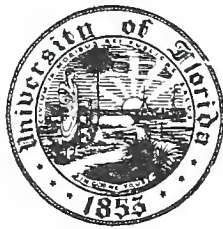






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## HAZARD'S

## REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. IX.—NO. 1. PHILADELPHIA, JANUARY 7, 1832. NO. 210.

## APPENDIX

## TO THE AUDITOR GENERAL'S REPORT.

*Bank and other Stock, the property of the Commonwealth,  
October, 1831.*

## BANK STOCK.

	DOLLS. CTS.
2,500 shares in the Bank of Pennsylvania, subscribed by the state on its incorporation, at \$400 per share,	1,000,000 00
1,250 shares subscribed in pursuance of an act passed in February, 1810, extending the charter,	500,000 00
	1,500,000 00
5,233 shares in the Philadelphia Bank, at \$100 per share,	523,300 00
1,708 shares in the Farmers' and Mechanics' Bank, at \$50 per share,	85,400 00
	\$2,108,700 00

## TURNPIKE STOCK.

Harrisburg, Carlisle and Chambersburg,	106,202 53
Chambersburg and Bedford,	216,056 72
Bedford and Stoystown,	107,692 84
Stoystown and Greensburg,	128,217 35
Greensburg and Pittsburg,	89,000 00
Huntington, Cambria and Indiana,	171,850 00
Erie and Waterford,	5,000 00
Perkiomen and Reading,	53,000 00
Gap and Newport,	20,000 00
Waynesburg, Greencastle and Mercersburg,	11,379 96
Morgantown, Churchtown and Blue Ball,	9,000 00
Little Conestoga,	10,000 00
Berks and Dauphin,	29,000 00
Lancaster and Middletown,	10,000 00
Easton and Wilkesbarre,	12,500 00
Susquehanna and Lehigh,	10,000 00
Milford and Owego,	31,000 00
Downington, Ephrata and Harrisburg,	60,000 00
Centre and Kishacoquillas,	20,000 00
Centre,	80,000 00
Susquehanna and York,	5,000 00
York and Gettysburg,	40,000 00
New Holland,	10,000 00
Springhouse, Northampton and Bethlehem,	10,000 00
Cayuga and Susquehanna,	6,000 00
Susquehanna and Waterford,	140,000 00
Susquehanna and Tioga,	30,400 00
Bridgewater and Wilkesbarre,	25,000 00
Pittsburg and New Alexandria,	48,360 00
New Alexandria and Conemaugh,	16,100 00

DOLLS. CTS.

Belmont and Easton,	17,500 00
Phillipsburg and Susquehanna,	17,500 00
Pittsburg and Butler,	19,666 67
Butler and Mercer,	19,666 67
Mercer and Meadville,	19,666 67
Anderson's Ferry, Waterford and New Haven,	10,000 00
Pittsburg and Steubenville,	12,000 00
Ridge Road,	25,000 00
Bethany and Dingman's choice,	8,000 00
Robbstown & Mount Pleasant,	15,000 00
Mount Pleasant and Somerset,	33,036 50
Somerset and Bedford,	34,606 84
Hanover and Carlisle,	1,000 00
Millerstown and Lewistown,	35,865 62
Bellefonte and Phillipsburg,	20,000 00
Philadelphia, Brandywine and New London,	2,500 00
Belmont and Oghquega,	5,000 00
Harrisburg and Millerstown,	40,000 00
Philadelphia and Great Bend,	12,000 00
Lewistown and Huntingdon,	46,534 38
Armstrong and Indiana,	9,000 00
Clifford and Wilkesbarre,	4,832 84
Indiana and Ebensburg,	12,000 00
Washington and Williamsport,	8,122 32
Washington and Pittsburg,	22,535 35
Lycoming and Potter,	11,594 16
Middletown and Harrisburg,	14,000 00
Bellefonte, Aaronsburg and Youngmanstown,	29,000 00
Butler and Kittaning,	5,000 00
Milesburg and Smethsport,	7,279 67
Derrstown and Youngmanstown,	5,092 50
	2,042,759 59

## BRIDGES.

Columbia,	90,000 00
Harrisburg,	90,000 00
Northumberland,	50,000 00
Monongahela,	4,000 00
Allegheny,	40,000 00
Wilkesbarre,	28,000 00
Lewisburg,	20,000 00
Big Beaver,	15,000 00
Danville,	10,000 00
Nescopeck,	8,000 00
Norristown,	6,000 00
French creek bridge at Franklin,	5,000 00
Conemaugh,	5,000 00
Schuylkill bridge at Patterson,	3,000 00
	410,000 00

## CANALS.

Union Canal,	50,000 00
Schuylkill navigation company,	50,000 00
Five hundred shares in the Chesapeake and Delaware Canal, subscribed by the Philadelphia Bank, and to be transferred to the state at the expiration of 15 years,	



	DOLLS CTS.		DOLLS. CTS.
from the date of subscrip- tion, per act of 18th March, 1823,	100,000 00	Deaf and Dumb Institution, per act of 23d January, 1829,	8,000 00
	200,060 00	Washington College, per act of 4th of April, 1831,	2,000 00
<b>RECAPITULATION.</b>		For opening a state road from the junction of the Philadel- phia and Great Bend and Easton and Belmont turn- pike roads, in the county of Pike, to the public road leading from Priceburg to the Delaware Water Gap, in the county of Northamp- ton, per act of 21st March, 1831,	300 00
Bank Stock,	2,108,700 00		19,514 98
Turnpike Stock,	2,42,759 59	<b>DUE ON LOANS.</b>	
Bridge Stock,	41,000 00	Stock loan, per act of 2d of April 1821, re-imbursable 1st of June, 1841,	930,000 00
Canal Stock,	2,000 00	Stock loan, per act of 30th March, 1824, \$380,000, re- imbursable 1st May, 1834, and the residue 1st January, 1839,	600,000 00
	4,761,459 59	Stock loan, per act of 11th April, 1825, re-imbursable 1st January, 1840,	150,000 00
<i>Appropriations and balances of appropriations, &amp;c. un- paid 1st November, 1831.</i>			1,680,000 00
<b>TURNPIKES.</b>		Bank of Montgomery county, at an interest of 4½ per cent. re-imbursable 1st May 1835,	60,000 00
Springhouse, Northampton, and Bethlehem,	15,000 00	Farmers' Bank of Lancaster, at an interest of 4½ per cent. re-imbursable 1st May, 1837,	25,000 00
Lycoming and Potter,	8,405 84	Easton Bank, at an interest of 5 per cent, re-imbursable 1st May, 1837, reserving the right of the state to re-in- burse the same at any time within that period,	25,000 00
Clifford and Wilkesbarre,	1,667 16	Harrisburg Bank, at an inter- est of 5 per cent. re-imburs- able in May, 1837, reserv- ing the right of the state to re-imburse the same at any time within that period,	50,000 00
York and Gettysburg,	6 09		160,000 00
Downingtown, Ephrata and Harrisburg,	69 63	Stock loan pertaining to the Pennsylvania canal, per act of 1st April, 1826, re-imburs- able 1st December, 1846,	300,000 00
Waynesburg, Greencastle and Mercersburg,	3,620 04	Stock loan pertaining to do. per act of the 9th April, re- imbursable 1st December, 1850,	1,000,000 00
Huntingdon, Cambria and In- diana,	25 95	Stock loan pertaining to do. per act of 18th December, 1828, re-imbursable 1st Ja- nuary, 1854,	800,000 00
Philadelphia, Brandywine and New London,	12,500 00	Stock loan pertaining to do. per act of 22d April, 1829, re-imbursable 1st Decem- ber, 1854,	2,200,000 00
Washington and Pittsburg,	229 40	Stock loan pertaining to do. per act of 7th of December, 1829, continued per act of 4th January, 1831,	202,500 00
Washington and Williamsport,	8,333 34	Stock loan pertaining to do. per act of 13th March, 1830, re-imbursable 4th March, 1858,	4,000,000 00
Chambersburg and Bedford,	118 22	Amount received of Stock loan pertaining to do. per act of 21st March, 1831, re-	
New Alexandria and Cone- maugh,	75 93		
Harrisburg and Millerstown,	300 50		
Little Conestoga,	22 04		
Derrstown and Northumberland,	4,637 50		
Mulesburg and Smethsport,	14,700 33		
Gettysburg and Hagerstown,	20,000 00		
York Haven and Harrisburg Bridge,	18,000 00		
	105,701 97		
<b>BRIDGES.</b>			
Juniata Bridge,	1,000 00		
Catawissa Bridge,	5,000 00		
Robbstown Bridge,	6,000 00		
	12,000 00		
<b>RIVERS.</b>			
Delaware,	1,000 00		
Susquehanna and branches, per act of the 16th of March, 1821,	2,000 00		
For improving the navigation of the Susquehanna from Columbia to tide, per act of 31st March, 1823,	4,312 52		
Do. from Columbia to North- umberland, per act of 25th March, 1825,	10,878 00		
	18,190 62		
<b>MISCELLANEOUS.</b>			
Penitentiary near Pittsburg, per act of 1st of April, 1826,	114 98		
Dickinson College, per act of 13th February, 1826,	6,000 00		
Commissioners of Erie county, for re-building public build- ings, per act of the 15th March, 1824,	2,500 00		
For improving a road from the mouth of the Juniata to Mahontongo creek, per act of 13th April, 1827,	600 00		



## DOLLS CTS.

imbursable 1st of July, 1856,	1,444,948 54
Amount received of Stock loan pertaining to do. per act of 30th March, 1831, re-imbursable 1st July, 1856,	275,000 00
	<u>12,222,448 54</u>
	<u>\$14,062,448 54</u>

*Recapitulation of debts due by the Commonwealth.*

Turnpikes,	105,701 97
Bridges,	1,000 00
Rivers,	18,190 52
Miscellaneous,	19,514 98
Due on loans,	14,062,448 54
	<u>14,217,856 01</u>

## PHILADELPHIA DISPENSARY.

## ANNUAL REPORT.

Three thousand four hundred and fourteen Patients have been under the care of the Dispensary since last report, viz:

Remaining from last year,	37
Admitted since that time,	3377
	<u>3414</u>

Of whom the number recovered is,	2183
Relieved,	97
Died,	53
Irregular and uncertain,	64
Remaining under care,	17
	<u>3414</u>

## RECEIPTS.

Annual contributions,	\$405 00
Interest on Bonds and Mortgages,	387 00
Life Subscription of Thomas Astley,	50 00
Do. do. Thomas Biddle,	50 00
Dividends on Bank Stock,	273 00
Do. U. States do.	12 93
Do. Schuylkill Permanent Bridge,	20 00
Do. Union Canal Loan,	120 00
House rent, including proportion of income of Real Estate, bequeathed by James Wills,	470 00
Ground Rent,	60 00
Received by Wm. Davidson, administrator of the late Dr. Charles Brown,	192 00
	<u>\$2,39 93</u>

## EXPENDITURES.

House expenses,	\$400 26
Medicines,	768 66
Apothecary's Salary,	400 00
Stationaries,	51 00
Repairs and Tax on Zane street property,	104 39
Balance paid Wm. Davidson, late Treasurer, due from last year,	84 03
Annuity paid under the will of the late Dr. Charles Brown,	100 00
Balance in Treasurer's hands,	131 54
	<u>\$2039 93</u>

In presenting their forty-fifth annual report the ma-

nagers would take occasion to felicitate the contributors of the Philadelphia Dispensary, upon its continued prosperity and usefulness. Owing however to the healthfulness of the past season, and particularly to the absence of those annual and intermittent diseases, which formerly prevailed in the North and South Western Districts of this institution, the number of patients has not been so great as in some preceding years.

In addition to the number of persons as above enumerated, who have partaken of the benefits of this charity, the Shelter for Coloured Orphans, a benevolent Institution of this City, has for several years past, been furnished from this source with all its medicines. Under a belief that amid the many and efficient charities for which Philadelphia has become so justly celebrated, there was no one which sufficiently comprehended in its proper scope, the medical care and attention necessary to the lying-in-female, the managers during the past year turned their attention particularly to this class, as being of all others, particularly the objects of the sympathy and succour of the benevolent. It is therefore with feelings of sincere satisfaction that they announce to the contributors, and to their fellow citizens generally, that poor married women of this description, by making timely application to the Dispensary, will be carefully and skilfully attended to at their own houses.

Contributions and donations will be thankfully received by our Treasurer, Thos. Biddle, No. 26 Walnut street, and by all the Managers.

WILLIAM WHITE, President.

CASPAR WISTAR, Secretary.

## SOUTHERN DISPENSARY.

One thousand one hundred and eight patients have been attended by the Physicians of the Dispensary, during the year, from the 18th December, 1830, to the 7th December, 1831.

Remaining from last year,	17
Admitted since that time,	1091
	<u>1108</u>

Of these the number Recovered is,	965
Relieved,	34
Died,	21
Irregular or uncertain,	9
Removed,	5
Remaining under care,	74
	<u>1108</u>

The receipts and expenditures have been as follows: The Treasurer has received from the 18th December, 1830, to December 27th, 1831,

In Donations,	\$5 00
Annual Contributions,	120 25
Thomas Biddle's proportion of the Rent of Property left by James Wills, to the three Dispensaries,	180 00
Interest on Bond and Mortgage,	60 00
P. Goeller, 1 year's Ground Rent,	7 85
Balance in Treasurer's hands Dec. 18, 1830,	73 49
	<u>\$446 59</u>

## EXPENDITURES.

Apothecaries' Salary,	200 00
House expenses and medicines,	208 67
Collecting Subscriptions,	8 67
One year's Ground Rent on Dispensary Lot,	20 52
Balance in Treasurer's hands this day,	8 72
	<u>\$446 59</u>



Donations and subscriptions will be gratefully received by the President, Charles Penrose, Robert McMullen, Treasurer, or any of the Managers.

Published by direction of the Board.

CHARLES PENROSE, President.  
PETER WILLIAMSON, Secretary.

From the Philadelphia Gazette.

## PROCEEDINGS OF COUNCILS.

THURSDAY, Dec. 22, 1831.

**SELECT COUNCIL.**—Mr. Fox presented the annexed petition for a Fish market, which was referred to the Committee on markets.

*To the Honorable the Select and Common Councils of the City of Philadelphia.*

The petition of the subscribers respectfully sheweth:—That the want of a stand appropriated for the purpose of selling Fish in the middle part of High street market, has long been felt and much complained of. The only stands for selling the article, are, the one in High street, between Water and the River Delaware, and the one at the east side of Sixth street, at the end of the market. These it may be thought are sufficient for the exhibition of whatever quantity of the article may be brought to the market, and as convenient for the citizens as they could desire. With all respect for the opinions of those of our fellow citizens who may be inclined thus to think, we are convinced that if your honorable bodies would appropriate the East end of the Third street market for a Fish stand, it would be a convenience to a very large portion of the citizens, and would in the end, be more advantageous to them than either of the stands now appropriated for this purpose.

The bringing of Fish to market in the winter season, we believe, is carried on wholly by a company who have taken all the stands of any importance in the markets, and having secured to themselves this advantage, they make purchasers pay their own price for the article they deal in. If the stand we ask shall be granted by your honorable bodies, we know that another company who have been some time endeavouring to bring Fish to this market, would gladly avail themselves of the opportunity to rent the stand proposed, and accommodate their fellow citizens by selling their Fish at a more reasonable and more moderate rate and in greater variety than they can now be had. A fair and honorable competition would thus be established, and the citizens have an opportunity of purchasing at more acceptable prices, the different kinds of Fish that would be brought to market by the different companies, and of judging for themselves of their quality. The stand now asked for would also be of great advantage to those of our fellow citizens who are in the habit of marketing in the middle and lower part of High street market. If your honorable bodies shall think proper to grant the stand prayed for, your petitioners will be grateful, and the public soon feel and acknowledge the favor bestowed.

Mr. DUANE, as Chairman of the Committee of WILLS' LEGACY, made the following report and resolution, which were agreed to.

The committee on the Wills' Legacy, respectfully report,

That, in compliance with the instructions given to them, by Councils, on the 25th of August last, they publicly offered a premium of one hundred dollars for the best, and a premium of fifty dollars, for the second best plan of a building for an asylum for the lame and blind, agreeably to the intention of the late James Wills; and, that in consequence, plans have been presented by the gentlemen, who are here named in the order in which their respective plans were presented.—Mr. John Haviland, Mr. John C. Trautwine,

Mr. William Rodrigues, Mr. Thomas W. Walter, and Mr. George Senneff.

As Councils have resolved that they will decide, on or before the first day of January, 1832, on the plan to be adopted, the whole of the plans recently presented, and two plans one by Mr. Strickland, and the other by Mr. Haviland, presented prior to August last, are now laid before Councils by the committee on the Wills' Legacy: The following resolution is also respectfully submitted.

Resolved, That when Councils adjourn, they adjourn to meet on Thursday, the 29th December, inst. at 3 P. M. for the purpose of deciding on the plan to be adopted for the asylum for the lame and blind.

**COMMON COUNCIL.**—Mr. FRITZ presented a petition similar to the one presented by Mr. Fox in the Select Council which was referred to the same Committee.

Mr. CORYELL presented a petition for an Alarm Bell in the North Western section of the city, which was referred to the Committee on Fire Companies.

Mr. MURRAY presented the annexed petition from the occupants of stalls for selling vegetables, which was referred to the Committee on markets.

*To the Honorable the Select and Common Councils of the City of Philadelphia.*

The petition of the Subscribers, respectfully sheweth, That they are renters and occupiers of the stands for the sale of vegetables on the north side of the market-house between Second and Third streets in the city of Philadelphia, and labour under great inconvenience from the want of the use of the back ends of the benches of the stalls in the market there occupied by the victuallers. Your memorialists being on the outside of the market are exposed to the weather, and having at present no use of and part of the stalls, nor any thing similar, have no place, if occasion requires, to stand any thing on. They are obliged, for instance, either to hold their breakfasts in their hands whilst eating, or, if a customer is to be served, to place it on the ground. So if citizens wish to leave any part of their marketing with them till their return from other marketing, as often happens, they have no place to put it except on the ground, where it is liable to become dirty and be exposed to the dogs that are prowling about. Besides they regret to say that the victuallers, behind whom they stand, are in the habit of putting offals and bloody parts of the carcasses of the creatures they have killed, on those back ends of the benches of the stalls, so that they can scarcely turn round without smearing their clothes; the flies also swarm there in summer, and smells that are very disagreeable are produced thereby. Indeed the grievances under which your petitioners labour are very great in this respect, and they find they can get no accommodation from the victuallers without submitting to exactions and being beholden to them as a sort of tenants at sufferance, and as they pay a rent of \$15 per annum for these outside stands which are so inconvenient at best, they respectfully ask Councils to take their case into consideration and grant them the use of the back ends of the benches of the stalls, in the market aforesaid, near up to the railing, which they conceive moreover properly belonging to them, as they project over the part your petitioners occupy; wherefore they hope this their reasonable request, will be granted by Councils.

Philadelphia, 8th Dec. 1831.

A communication was received from WILLIAM BOYD, Esq. relative to closing Blackberry Alley, which was laid on the table.

Mr. MOON, from the committee on Markets, made the following report and resolution, which were agreed to.



The Committee on Markets to whom was referred the petition of sundry shoe dealers, and also the memorial of a number of shoemakers occupying stalls under the eaves of the High street market between Third and Fourth street, beg leave to report,

That, by the ordinance of June 8th, 1826, the western moiety of the space under the eaves on the north side of the High street market house, between Third and Fourth streets, is appropriated as stands for the sale of shoes, stockings, and other domestic manufactures.

This ordinance being in full force and operation, and the stand rented to the present occupants, who have long since paid the rent thereof to the City Commissioners, your committee are of opinion that it is inexpedient to legislate on the subject at present and offer the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

Mr. OKIE as Chairman of the Committee of Accounts, made the annexed report which was adopted.

The Committee of Accounts beg leave to Report, That they have examined the accounts of the City Treasurer for the third quarter of the present year, together with his accounts with Dr. Benjamin Franklin's and John Scott's Legacies, for the same period, and compared the same with the respective books of accounts, bank books and other vouchers; all of which they have found to be correct.

Mr. OLSENBERG as Chairman of the Committee, to whom was referred the communication of William Rush, Esq. made the following report and resolution, accompanied by the annexed documents. The resolution was agreed to.

The Committee to whom was referred the letter of William Rush, Esq. relative to encroachments on the river Schuylkill, beg leave to report:

That they have consulted with Messrs. Samuel Hains, Frederick Graff and David McClure, and have received communications from them which they herewith submit to Councils. From the views of these gentlemen, and the facts stated by them, the importance of Councils making an early application to the Legislature to pass an act providing against encroachments by wharves and buildings, on both sides of the Schuylkill, from Fair Mount to its mouth, will be clearly seen. In order to enable the Legislature to act with proper information on the subject, it will be necessary to have a correct survey made of the Schuylkill, designating the soundings, area for the passage of water at different points, &c. as recommended by the above named gentlemen. The Committee therefore respectfully submit the following resolutions:

1. Resolved, By the Select and Common Councils, that Samuel Hains and David McClure be appointed to make a survey of the river Schuylkill from Fair Mount to its mouth, with a plan thereof, and report the same to Councils; the expenses thereof to be charged to appropriation No. 21.

2. Resolved, By the authority aforesaid, that on said report being made, the Wardens of the port be requested by Councils not to suffer any encroachments on said river contrary to said plan and report, until opportunity can be afforded of the Legislature acting on the subject.

To the Committee of Councils appointed on the communication of William Rush, Esq.

Gentlemen:—The undersigned having carefully examined the subject to which you had called their attention, agree to report—that in their opinion regular wharf-lines, ought to be fixed on each side of the river Schuylkill, from Fair Mount to the river Delaware.

The distance between two lines, in no place to be less than five hundred feet—and that distance to be increased, where the average depth of the channel to hard bottom, is less than sixteen feet, so as to give in

all places a section of *clear water way*, the area of which shall be at least, eight thousand square feet.

The channel between the wharf-lines, to be located, so as to embrace the deepest part of the river to hard bottom, without regard to present improvements, or deposits of soft mud, avoiding as much as possible, all crooks and turns of short radius.

Lines for permanent buildings, ought also to be fixed on each side of the river, one hundred and fifty feet distant, from each wharf-line, between which and the wharf-line, no building, fixture, or improvement, of a permanent character to be made, that shall rise on an average higher than two feet above common high water.

In order to decide upon the best location for the channel of the river, a correct survey of its margin, with numerous and accurate soundings to hard bottom, will be necessary.

The wharf and building lines when fixed, and established, to be recorded and known by bearings and distances taken to fixed and permanent objects, that may be at all times easily referred to.

Very respectfully, yours, &c.

SAMUEL HAINS,  
DAVID MCCLURE.

December 19, 1831.

To the Committee of Councils, appointed on the communication of William Rush, Esq. on the subject of the navigation of the Schuylkill river.

Gentlemen,—In compliance with your request, I offer my opinion as to the most effectual manner of maintaining the navigation of the river Schuylkill, of preserving from destructive effects of the back water, the store houses and other improvements on its banks, and of protecting the future operations of the Water Works, at Fair Mount, which in my opinion will be destroyed if the wharves on the river should be extended from the Upper Ferry to its junction with the river Delaware, agreeably to the plan which has been already adopted with the wharves recently erected.

On mature consideration of the subject, I beg leave to recommend that correct soundings be made of the depth of the river to hard bottom, or rock, in order to establish standard widths to be regulated in such manner as to give free vent to the water between the wharves which should be erected, equal in area of not less in any section of the river throughout than 7200 feet, taking as a data that the spaces to be left between the wharves to be erected on each side of the river shall never be less than 450 feet, and that where the river shall be found *shoal* by the projection of hard or rock bottom, that the distance shall be widened between the wharves to be built opposite such shoal in a ratio so as to retain the required area as above mentioned, which should on no account be diminished.

I also recommend that with the operation of sounding the river, a survey be made, establishing permanent boundaries, or wharf-lines, whereby the sites for wharves intended to be erected can be ascertained and regulated suitable to the space to be retained between them at any point.

In my opinion no wharves or other improvements should in future be raised higher than two feet above the established high tide plain, and that no permanent or other fixtures should be erected on any wharf at a less distance from the said line than 100 feet, which added to the space of 450 feet recommended to be retained between the wharves, will leave together an area for the passage of ice and water in times of freshets of 650 feet.

The rise of ice and water above high tide at the permanent bridge at High street, during the freshet of 1812 was 10 feet 2 inches, the water way between the wharves and piers of the High street bridge is 407 feet 10 inches; and the width between the abutments is 532 feet 3 inches, and had it not been for the additional



passage afforded for the ice and water over the turnpike road on the west side of the bridge, the rise of the river would have been much greater; under these considerations, I am of opinion that the area for the passage of the water recommended as a standard throughout the whole section of the river cannot be too great.

The effect produced by the freshets of 1784 and 1822 leave but little doubt that much greater disasters may take place again, unless immediate and effectual means be adopted to prevent innovations on this stream, some of which it is to be regretted have already been made by extending wharves into the river from 10 to 20 feet beyond low water mark.

In order to illustrate more clearly the necessity of establishing permanent wharf-lines, I beg leave to state that on a measurement of the water space between the wharf at the foot of Cedar street on Schuylk ll, and the wharf lately erected on the property of the new Alms House opposite, the distance was found to be only 405 feet, and the space, between the wharf of Messrs. Wetherill's below Chesnut street, and the wharf opposite, measures but 366 feet, leaving only an area of water passage 5856 feet, whilst the area between the abutments of High street bridge is 11,800 feet.

If the soundings of the river, and a survey of wharf-lines be established as recommended, it will enable the Wardens of the Port to determine the locations for wharves without difficulty, and will preserve a perfect navigation, and prevent destruction by inundations, which otherwise must occur by every trifling freshet when a number of wharves shall be built according to the present regulations.

Very respectfully, your humble serv't.

FRED. GRAFF.

December 19, 1831.

### GENERAL EDUCATION.

At a very large and highly respectable meeting of citizens of the city and county of Philadelphia, friendly to the promotion of General Education, held on Tuesday evening, Nov. 29, at the District Court Room, B. W. RICHARDS, Esq. Mayor of the city was called upon to preside, assisted by SAMUEL GRICE, Esq. of Kensington, and JOHN L. WOOLF, Esq. of Penn township, as Vice Presidents; JAMES PAGE, of the city, and B. MATTHIAS, of the Northern Liberties, were appointed Secretaries.

The object of the meeting being stated by the Chairman, JOSEPH R. CHANDLER, Esq. offered the following preamble and resolutions, which were unanimously approved of:

#### PREAMBLE.

One of the most distinctive features of the present age, and that by which it will hereafter be most favourably known, is the active spirit of improvement that seeks to meliorate the condition of every rank in life, insuring comforts to the humble, and security to the elevated. In no way has this spirit been more beneficially active than in the advancement of Education, and the diffusion of that species of learning that has now become necessary to the ordinary business of tradesmen, and the understanding and enjoyment of the rights of citizenship.

Aware of the requirements of the times, the citizens and legislators of other states are seen making provisions for public schools when none have been in use before, and when systems of free schools have long been established, they are improving those systems to meet the advancement of science, and give to them practically all the beneficial features which their theory would seem to comprehend.

Attempts have been made from time to time to introduce into Pennsylvania some of those advantages that have distinguished and blessed her more favoured neighbours; hitherto this object has been unattained.

Some benefits have resulted to particular sections, from legislative provisions of local operation, and from the benevolent exertions of philanthropic individuals, but no general system has been adopted.

With a view of promoting the establishment of public schools this meeting has been called, and in a hope of pointing out the proper means of arriving at so desirable an end, it is

Resolved, That, in the opinion of this meeting, the means of education in Pennsylvania are wholly inadequate to the wants of the people, and immeasurably behind the advantages which are enjoyed by the citizens of other states, while there is nothing in the peculiarity of our situation to warrant or excuse the disparity.

Resolved, That, recognizing the truth of the axiom that "knowledge is power," we are bound as republicans, to seek to procure for every class of the community, the necessary advantages of education, that "power may not with knowledge" steal from the many to the few.

Resolved, That the Legislative delegation of the city and county of Philadelphia, be requested to use all constitutional means to procure the enactment of a law, authorising the establishment of schools by which every child in the state may obtain, at public expense, the solid branches of an English or German education.

Resolved, That this meeting recognize with satisfaction, the exertions of the friends of public schools in the last Legislature; and augur from their zeal and the evident improvement in public opinion, a successful issue to similar efforts.

Resolved, That a committee be appointed to correspond with any member or members of the state Legislature, or with others who may be desirous to obtain or impart information on the subject of public schools.

In pursuance of the last resolution, the following gentlemen were appointed a committee of correspondence:

City.	County.
B. W. Richards,	John C. Browne,
Joseph R. Chandler,	John L. Woolf,
John Ashton, jr.	Adam Woelper,
Walter R. Johnston,	Jesse Groves,
M. M. Carll,	Wm. J. Young,
W. H. Gillingham,	John Thompson, jr.
Geo. M. Stroud,	Joseph R. Bolton,
Job R. Tyson,	B. Matthias,
James Page,	W. G. Alexander,
Antony Lausatt,	Samuel Harvey,
	Samuel Grice.

The meeting was addressed by Joseph R. Chandler, M. M. Carll, B. W. Richards, John Ashton, jr. Esq's. and by several other gentlemen.

On motion of Mr. Antony Lausatt, it was

Resolved, That the thanks of the meeting be tendered to B. W. Richards, Esq. for the able and impartial manner in which he has presided over its deliberations.

Resolved, That the proceedings of this meeting be published.

On motion, the meeting adjourned.

B. W. RICHARDS, Chairman.

SAMUEL GRICE, } Vice Presidents.  
JOHN L. WOOLF, }

JAMES PAGE, } Secretaries.  
B. MATTHIAS, }

#### REPORT

*Of one of the Committees arising out of the late TOWN MEETING.*

Your committee, "appointed to devise and recommend the most suitable mode of calling the attention of the people of the state of Pennsylvania, to the importance of a system of Common Schools," beg leave to report,



That they have taken the subject embraced in the above resolution, into the serious consideration which its importance demands.

Your committee will, in the first place, invite your attention to some of the more prominent *facts* as they now exist, in relation to this momentous subject of education.

The first well-authenticated fact, well calculated to startle every reflecting man in the commonwealth is, that Pennsylvania has hundreds of thousands of her sons and daughters, who are entirely destitute of the means of intellectual culture! and thus, this great and flourishing state has a dark and portentous cloud of ignorance and imbecility hanging over and obscuring her future prospects.

Second, That repeated memorials and petitions have been sent from different sections of the state, to the legislature, praying for a system of general education, adapted to her wants and necessities, but hitherto without any adequate result.

Third, That liberal provision has been granted to colleges, academies, and the higher departments of learning, whilst that for common schools, adapted to the exigence of the great mass of the people, has been withheld, or at best imparted with a penurious and grudging policy.

Fourth, That an extraordinary degree of supineness and indifference has hitherto prevailed among the people of this state upon this subject, and hence it has been regarded by the representatives as an unpopular measure.

Fifth, That the circumstances of the state of Pennsylvania are, in relation to this subject, peculiar; and this peculiarity arises out of the nature and character of her population: having a numerous and respectable class of Germans, speaking their own language, and from their industry and wealth, exercising no inconsiderable influence in the councils and measures of government.

Wisely and judiciously to meet this state of things, and to devise a plan which shall have a tendency to obviate the difficulty, appears to be the important duty assigned your committee.

It is obvious that every measure of importance must emanate from the people; and that the legislature will not act, either on this or on any other subject, contrary to the wishes of their constituents.

The editors of newspapers generally, throughout the state, are actuated by a similar spirit; (to this there are, no doubt, many honorable exceptions,) the course, then, to be pursued, is plain and manifest:—make the measure popular, and yet secure the talents and co-operation of both legislators and editors of public journals.

The course, then, to be pursued is, to make a direct appeal to the people. How is this to be done? is the question next to be considered.

The three following modes present themselves to your Committee, as the most likely to be attended with success. First, through the medium of the press, wherever accessible; second by calling public meetings in different sections of the State; and, third, by an agent suitably qualified to address public assemblies, and make earnest appeals to the people, face to face.

First, through the medium of the Press. In order that this mode may be rendered effectual, well written communications addressed to the people, would be required, bearing particularly upon the following points: The vast importance of education to man, in relation to his future state of existence; in relation to his individual, moral, and intellectual energies; and, in relation to his character and duty, as a citizen of a free and independent state.

These communications should be written both in the English and German language, and for this purpose your committee would recommend that some philanthropic and enlightened German be sought out and added to our body, that we might thus avail ourselves of his labors and influence among those who speak his language.

In this way the people may be reached, they might be stimulated to exertion, and exhorted to follow the example of their brethren in other sections of the State, in calling public meetings, in which the subject might be discussed, and instructions sent to their delegates in the Legislature.

Both these means would be greatly facilitated by the presence and co-operation of an experienced and judicious agent or agents, who, by delivering public lectures, and well-timed addresses to the people, might diffuse light and information, and certainly enlist the feelings and approbation of the more influential and better informed portions of the community.

In addition to his addressing the public, it would be an important part of the duty of these agents to be possessed of a knowledge of all the recent and valuable improvements in elementary or primary instruction. They should have the requisite information, and be furnished with the means necessary for forming those infantile establishments on the most improved plan, in all the towns and populous villages, and, as a matter of economy, should consider it as a part of their duty to qualify females to take charge of them.

What numbers of females are there in the country, who for a small salary, would willingly undertake the management of such a school?

And how many are there in easy circumstances, whose kind and benovolent feelings would prompt them to devote a part of their leisure in the fulfilment of such an exalted and delightful duty!

That this is not so fanciful as some, at first view, may be led to suppose, take the following fact: one of your committee, during the last summer, in travelling to Pottsburg, passed the Fourth of July in one of the intermediate towns: In walking through town accompanied by a young lady, daughter of a friend, our attention was attracted to a man lying on a bench in the sun, in a pitiable state of intoxication, on enquiry it proved to be the *Schoolmaster of the Village!* the only man in the town to whom was entrusted the morals and intellects of the rising generation!! This naturally led to a conversation on the subject of Infant Schools; one of your committee strongly recommended to the young lady, who he knew had sufficient leisure, to commence one in the town without delay; and at her request left the outline of a plan for the mode of conducting it. She said she would consult her female acquaintance, and seemed pleased with the benevolent idea of collecting the little children together, who were running wild about the houses, and of introducing something like order and improvement among them. Had it been consistent with other duties to remain a few days among them, to call the people together and address them in the spirit of affection and reason, can any one doubt the result? A school of the little neglected children would have been formed in a week!

From this and other facts of a similar nature, your committee are confirmed in the opinion, that our object would be greatly facilitated by the three modes above suggested, were they put into simultaneous practice.

Your committee beg leave to conclude their report with the following reflection:—

The power of unlimited progressive improvement is a faculty peculiar to man, and one of those striking characteristics by which he is distinguished from the inferior orders of existence. The subordinate races of beings commence life with all the science and all the instincts necessary for their preservation, and for the purposes which they are designed to fulfil: but man comes into the world helpless, ignorant, and wholly unable to provide for himself. He is at first impotent, but furnished with a latent, controlling power, which gives him dominion over every living thing, and forces even the elements to contribute to his will.

He is at first ignorant, because capable of all knowledge; uninstructed by instinct, because his mind is



susceptible of boundless expansion, under the enlarging influence of love, intelligence and reason.

Such is the nature of man!—can any labor be considered too arduous, any sacrifices too great, in a cause which is designed to foster, to develop, and give a proper direction to talents and faculties so wonderful and so precious.

Signed

M. M. CARLL, }  
SAML. GRICE, } Committee.  
WM. J. YOUNG, }  
B. MATTHIAS, }

### PHILADELPHIA LYING-IN CHARITY,

*For attending Indigent Females at their own Houses.*

Among the numerous objects that have excited the active charity of the benevolent and humane in this city, it is rather matter of surprise that the urgent, anxious necessities of the indigent parturient female, have received so small a share of public attention. With a view to invite a portion of the munificence of the philanthropist to the cheerless residence of the lying-in female—to awaken in her behalf the tender sympathies of her own sex, and to secure professional attendance to such as are unable to compensate medical practitioners for their services at this trying period—THE PHILADELPHIA LYING-IN CHARITY, for attending indigent females at their own houses, has been established.

Institutions for the gratuitous accommodation of lying-in women, are common in the large cities of Europe, and they have been justly esteemed among the primary objects for the exercise of benevolence. Nor have the inhabitants of Philadelphia been altogether unmindful of the interests and comforts of that necessitous class of the female community, whose interesting situation claims the fostering care of the humane: the Pennsylvania Hospital has, for a series of years, afforded a comfortable sojourn for a limited number of the necessitous married lying-in females, and many have availed themselves of its bounty; the Lying-in Ward of the Philadelphia Alms House Infirmary, an institution supported at the public expense, has also been the friendly asylum of thousands who, but for its existence, must have undergone much severe suffering, arising from indigence, and risk of life from incompetent attendants; the several Dispensaries, too, of the city and its Liberties, are institutions which, for many years, have extended their charitable medical care and attendance to indigent lying-in females.

The accommodations at the Pennsylvania Hospital, limited as they are to a very small number, are closed against such females as cannot first provide for the care and support of the children they may have already dependent on their attention. The children cannot be admitted with the mother, and to provide for their welfare during her absence, if at all practicable, may require an expense beyond her means.

At the Alms House Infirmary, a difficulty not easily removed, also occurs: the children must first be provided for by the parent; or, if admitted with the mother, they are separated from her, turned into the common herd, where her control cannot reach, and where they are deprived of parent's watchful eye, at that tender age when most required.

There is also another circumstance which must limit in some degree the benefits of these public institutions to females. However extensive and complete may be the advantages afforded to a large number who can conveniently enter them, yet there will always exist no small number whose reluctance to lying-in in a public institution is so great, that rather than consent, they will undergo the greatest suffering and inconvenience at home. This may arise from various causes—such as a separation from their friends—the dread of supposed experiments, and the fear of a public exposure of their dependence upon charitable institutions.

We cannot omit mentioning what is of very serious importance, and which shows in a strong light the necessity of establishing some general arrangement by which indigent females can obtain with certainty, the professional aid of competent and instructed physicians. We allude to the large number of still-born children which appears in almost every weekly bill of mortality. It is to be feared that many of these cases have been the result of ignorance or temerity on the part of incompetent attendants, where delicacy, under straitened circumstances, may have prevented the employment of well instructed practitioners.

With regard to the application of the charity of this association, great care will be taken to discriminate between the deserving and the undeserving. Its benefits will be confined exclusively to those who are indigent, necessitous, and unable to command professional attendance. Our object is not to encourage inactivity, and improvidence, but to mitigate the unavoidable suffering incident by nature to the feebleness of the human family, and to furnish some of the cheering comforts required, and which the individuals cannot possibly procure. We need not name the particular causes that may render the application of this charity necessary, such as long continued sickness in a family—a want of employment in the inclement season of our climate—the worthlessness of some husbands—unavoidable ill success in business, &c. such cases are known to exist and very extensively.

True charity administers to the wants of indigence in whatever form they may appear, and wherever found; nor shrinks from affording relief, let the cause have been what it may.

In this character it is expected the Philadelphia Lying-in Charity will appear; willing to extend its peculiar aid to every case of helpless indigence, and our sincere wish is, that it may prove extensively useful, in addition to the means already employed for diffusing among the indigent an increased degree of comfort and happiness.

At a meeting of the association held November 26, the following gentlemen were elected officers for the ensuing year:

President—W. P. Dewees, M. D.  
Vice Presidents—Roberts Vaux, Alex. Henry.  
Chairman—F. S. Beattie, M. D.  
Treasurer—Edward Needles.  
Secretary—Harper Walton, M. D.

#### MANAGERS.

Christopher Marshall,	Eli Welding,
Richard S. Risley.	John Crean, jr.
Alexander Cook,	James Hutchinson,
Roberts Vaux,	John Stille,
Alexander Henry,	A. L. Pennock,
Edward Needles,	Thomas Eustace,
Lewis Walton,	Samuel Moore,
Thomas Estlack,	Lewis Ryan,
Moses Reed,	Levi Garrett.

#### ATTENDING PHYSICIANS.

Charles Lukens, M. D.	Harper Walton, M. D.
Joseph Warrington, M. D.	T. F. Ash, M. D.
F. S. Beattie, M. D.	W. Jewell, M. D.
E. Y. Howell, M. D.	J. G. Nancrede, M. D.
George Spackman, M. D.	C. Dunnat, M. D.
Robert Stewart, M. D.	

December 6, 1831.

MILFORD, Dec. 16.

The Delaware river at this place has been closed for three weeks past; and we understand that a number of teams have crossed on the ice.

SKATING.—Mr. Gerber, from Northumberland county, on a late visit to Philadelphia, returned to this borough, by way of the Schuylkill Canal, with Skates on the ice. He left the City after breakfast, and arrived at Reading on the evening of the same day, without let or hindrance of tolls or gates.—*Berks Journal.*



THE WILL  
OF THE LATE  
STEPHEN GIRARD, ESQ.

I, STEPHEN GIRARD, of the City of Philadelphia, in the Commonwealth of Pennsylvania, Mariner and Merchant, being of sound mind, memory and understanding, do make and publish this my last Will and Testament, in manner following: that is to say--

TO PUBLIC INSTITUTIONS.

I. I give and bequeath unto "The Contributors to the Pennsylvania Hospital," of which Corporation I am a member, the sum of *Thirty Thousand Dollars*, upon the following conditions, namely, that the said sum shall be added to their Capital, and shall remain a part thereof for ever, to be placed at interest, and the interest thereof to be applied, *in the first place*, to pay to my black woman Hannah (to whom I hereby give her freedom,) the sum of two hundred dollars per year, in quarterly payments of fifty dollars each in advance, during all the term of her life; and, *in the second place*, the said interest to be applied to the use and accommodation of the sick in the said Hospital, and for providing, and at all times having competent matrons, and a sufficient number of nurses and assistant nurses, in order not only to promote the purposes of the said Hospital, but to increase this last class of useful persons much wanted in our city.

II. I give and bequeath to "The Pennsylvania Institution for the Deaf and Dumb," the sum of *Twenty Thousand Dollars*, for the use of that Institution.

III. I give and bequeath to "The Orphan Asylum of Philadelphia," the sum of *Ten Thousand Dollars*, for the use of that Institution.

IV. I give and bequeath to "The Comptrollers of the Public Schools for the City and County of Philadelphia," the sum of *Ten Thousand Dollars*, for the use of the Schools upon the Lancaster system, in the first section of the first school district of Pennsylvania.

V. I give and bequeath to "The Mayor, Aldermen and Citizens of Philadelphia," the sum of *Ten Thousand Dollars*, in trust, safely to invest the same in some productive fund, and with the interest and dividends arising therefrom to purchase fuel between the months of March and August in every year for ever, and in the month of January in every year for ever, distribute the same among poor white house-keepers and room-keepers, of good character, residing in the city of Philadelphia.

VI. I give and bequeath to the Society for the Relief of poor and distressed Masters of Ships, their Widows and Children, (of which Society I am a member) the sum of *Ten Thousand Dollars*, to be added to their Capital stock, for the uses and purposes of said Society.

VII. I give and bequeath to the gentlemen who shall be Trustees of the Masonic Loan, at the time of my decease, the sum of *Twenty Thousand Dollars*, including therein ten thousand and nine hundred dollars due to me, part of the Masonic Loan, and any interest that may be due thereon at the time of my decease, in trust for the use and benefit of "The Grand Lodge of Pennsylvania, and Masonic Jurisdiction thereto belonging," and to be paid over by the said Trustees to the said Grand Lodge, for the purpose of being invested in some safe stock or funds, or other good security, and the dividends and interest arising therefrom to be again so invested and added to the Capital, without applying any part thereof to any other purpose, until the whole capital shall amount to thirty thousand dollars, when the same shall for ever after remain a permanent fund or Capital, of the said amount of thirty thousand dollars, the interest whereof shall be applied from time to time to the relief of poor and respectable brethren; and in order that the real and benevolent purposes of masonic institutions may be attained, I recommend to the several lodges not to admit to membership, or to receive

members from other lodges unless the applicants shall absolutely be men of sound and good morals:

SCHOOL-HOUSE IN PASSYUNK.

VIII. I give and bequeath unto Philip Peltz, John Lentz, Francis Hesley, Jacob Baker and Adam Young, of Passyunk township, in the County of Philadelphia, the sum of *Six Thousand Dollars*, in trust, that they or the survivors or survivor of them shall purchase a suitable piece of ground, as near as may be in the centre of said township, and thereon erect a substantial brick building, sufficiently large for a school-house, and the residence of a school-master, one part thereof for poor male white children, and the other part for poor female white children of said township; and as soon as the said school-house shall have been built, that they the said trustees or the survivors or survivor of them, shall convey the said piece of ground and house thereon erected, and shall pay over such balance of said sum as may remain unexpended, to any board of directors and their successors in trust, which may at the time exist or be by law constituted, consisting of at least twelve discreet inhabitants of the said township, and to be annually chosen by the inhabitants thereof; the said piece of ground and house to be carefully maintained by said directors and their successors solely for the purposes of a school as aforesaid for ever, and the said balance to be securely invested as a permanent fund, the interest thereof to be applied from time to time towards the education in the said school of any number of such poor white children of said township; and I do hereby recommend to the citizens of said township to make additions to the fund whereof I have laid the foundation.

BEQUESTS TO INDIVIDUALS.

IX. I give and devise my house and lot of ground thereto belonging, situated in rue Ramouet aux Chartrons, near the city of Bordeaux, in France, and the rents, issues, and profits thereof, to my brother, Etienne Girard, and my niece Victoire Fenellon, (daughter of my late sister Sophia Girard Capayron,) (both residing in France,) in equal moieties for the life of my said brother, and, on his decease, one moiety of the said house and lot to my said niece Victoire, and her heirs for ever, and the other moiety to the six children of my said brother, namely, John Fabricius, Marguerite, Ann Henriette, Jean August, Marie, and Madelaine Henriette, share and share alike, (the issue of any deceased child, if more than one, to take amongst them the parent's share) and their heirs for ever.

X. I give and bequeath to my said brother, Etienne Girard, the sum of *Five Thousand Dollars*, and the like sum of *Five Thousand Dollars* to each of his six children above named: if any of the said children shall die prior to the receipt of his or her legacy of five thousand dollars, the said sum shall be paid, and I give and bequeath the same to any issue of such deceased child, if more than one, share and share alike.

XI. I give and bequeath to my said niece, Victoire Fenellon, the sum of *Five Thousand Dollars*.

XII. I give and bequeath absolutely to my niece, Antoinetta, now married to Mr. Hemphill, the sum of *Ten Thousand Dollars*, and I also give and bequeath to her the sum of *Fifty Thousand Dollars*, to be paid over to a trustee or trustees to be appointed by my executors, which trustee or trustees shall place and continue the said sum of fifty thousand dollars upon good security, and pay the interest and dividends thereof as they shall from time to time accrue, to my said niece for her separate use, during the term of her life, and from and immediately after her decease, to pay and distribute the capital to and among such of her children and the issue of deceased children, and in such parts and shares as she the said Antoinetta, by any instrument under her hand and seal, executed in the presence of at least two credible witnesses, shall direct and appoint, and for default of such appointment, then to and among the said



children and issue of deceased children in equal shares, such issue of deceased children, if more than one, to take only the share which their deceased parent would have taken if living.

XIII. I give and bequeath unto my niece, Carolina, now married to Mr. Haslam, the sum of *Ten Thousand Dollars*, to be paid over to a trustee or trustees to be appointed by my executors, which trustee or trustees shall place and continue the said money upon good security, and pay the interest and dividends thereof from time to time as they shall accrue, to my said niece, for her separate use, during the term of her life; and from and immediately after her decease, to pay and distribute the capital to and among such of her children and issue of deceased children, and in such parts and shares, as she the said Carolina, by any instrument under her hand and seal, executed in the presence of at least two credible witnesses, shall direct and appoint, and for default of such appointment, then to and among the said children, and issue of deceased children, in equal shares, such issue of deceased children, if more than one, to take only the share which the deceased parent would have taken if living; but if my said niece, Carolina, shall leave no issue, then the said trustee or trustees on her decease, shall pay the said capital and any interest accrued thereon, to and among Caroline Lallemand, (niece of the said Carolina,) and the children of the aforesaid Antoinetta Hemphill, share and share alike.

XIV. I give and bequeath to my niece Henrietta, now married to Dr. Clark, the sum of *Ten Thousand Dollars*; and I give and bequeath to her daughter Caroline, (in the last clause above named,) the sum of *Twenty Thousand Dollars*—the interest of the said sum of twenty thousand dollars, or so much thereof as may be necessary, to be applied to the maintenance and education of the said Caroline during her minority, and the principal with any accumulated interest, to be paid to the said Caroline, on her arrival at the age of twenty-one years.

XV. Unto each of the Captains who shall be in my employment at the time of my decease, either in port, or at sea, having charge of one of my ships or vessels, and having performed at least two voyages in my service, I give and bequeath the sum of *Fifteen Hundred Dollars*—provided he shall have brought safely into the port of Philadelphia, or if at sea at the time of my decease, shall bring safely into that port, my ship or vessel last entrusted to him, and also that his conduct during the last voyage shall have been in every respect conformable to my instructions to him.

XVI. All persons, who, at the time of my decease, shall be bound to me by indenture, as apprentices or servants, and who shall then be under age, I direct my executors to assign to suitable masters immediately after my decease, for the remainder of their respective terms, on conditions as favourable as they can in regard to education, clothing and freedom dues; to each of the said persons in my service and under age at the time of my decease, I give and bequeath the sum of *Five Hundred Dollars*, which sums respectively I direct my executors safely to invest in public stock, to apply the interest and dividends thereof, towards the education of the several apprentices, or servants, for whom the capital is given respectively, and at the termination of the apprenticeship or service of each, to pay to him or her the said sum of five hundred dollars and any interest accrued thereon, if any such interest shall remain unexpended; in assigning any indenture, preference shall be given to the mother, father, or next relation, as assignee, should such mother, father, or relative desire it, and be at the same time respectable and competent.

XVII. I give and bequeath to Francis Hesley (son of Mrs. S. Hesley, who is mother of Marianne Hesley,) the sum of *One Thousand Dollars*, over and above such sum as may be due to him at my decease.

#### ANNUITIES.

XVIII. I charge my real estate in the State of Pennsylvania with the payment of the several annuities or sums following, (the said annuities to be paid by the Treasurer or other proper officer of the City of Philadelphia, appointed by the corporation thereof for the purpose, out of the rents and profits of said real estate herein-after directed to be kept constantly rented,) namely:—

1st. I give and bequeath to Mrs. Elizabeth Ingersoll, Widow of Jared Ingersoll, Esq., late of the City of Philadelphia, Counsellor at Law, an annuity, or yearly sum of *One Thousand Dollars*, to be paid in half-yearly payments, in advance, of five hundred dollars each, during her life.

2d. I give and bequeath to Mrs. Catharine Girard, now widow of Mr. J. B. Hoskins, who died in the Isle of France, an annuity, or yearly sum of *Four Hundred Dollars*, to be paid in half-yearly payments, in advance, of two hundred dollars each, during her life.

3d. I give and bequeath to Mrs. Jane Taylor, my present housekeeper, (the widow of the late Captain Alexander Taylor, who was master of my ship *Helvetius*, and died in my employment,) an annuity, or yearly sum of *Five Hundred Dollars*, to be paid in half-yearly payments, in advance, of two hundred and fifty dollars each, during her life.

4th. I give and bequeath to Mrs. S. Hesley, my housekeeper at my place in Passyunk Township, an annuity, or yearly sum of *Five Hundred Dollars*, to be paid in half-yearly payments, in advance, of two hundred and fifty dollars each, during her life.

5th. I give and bequeath to Marianne Hesley, daughter of Mrs. S. Hesley, an annuity, or yearly sum of *Three Hundred Dollars*, to be paid to her mother, for her use, in half-yearly payments, in advance, of one hundred and fifty dollars each, until the said Marianne shall have attained the age of twenty-one years, when the said annuity shall cease, and the said Marianne will receive the five hundred dollars given to her and other indented persons, according to clause XVI. of this will.

6th. I give and bequeath to my late housekeeper, Mary Kenton, an annuity, or yearly sum of *Three Hundred Dollars*, to be paid in half-yearly payments, in advance, of one hundred and fifty dollars each, during her life.

7th. I give and bequeath to Mrs. Deborah Scott, sister of Mary Kenton, and wife of Mr. Edwin T. Scott, an annuity, or yearly sum of *Three Hundred Dollars*, to be paid in half-yearly payments, in advance, of one hundred and fifty dollars each, during her life.

8th. I give and bequeath to Mrs. Catharine M'Laren, sister of Mary Kenton, and wife of Mr. M. M'Laren, an annuity, or yearly sum of *Three Hundred Dollars*, to be paid in half-yearly payments, in advance, of one hundred and fifty dollars each, during her life.

9th. I give and bequeath to Mrs. Amelia G. Taylor, wife of Mr. Richard M. Taylor, an annuity, or yearly sum of *Three Hundred Dollars*, to be paid in half-yearly payments, in advance, of one hundred and fifty dollars each, during her life.

#### ESTATE IN LOUISIANA.

XIX. All that part of my real and personal estate, near Washita, in the State of Louisiana, the said real estate consisting of upwards of two hundred and eight thousand arpens, or acres of land, and including therein the settlement herein after mentioned, I give, devise, and bequeath, as follows, namely: 1. I give, devise and bequeath to the Corporation of the City of New Orleans, their successors and assigns, all that part of my real estate, constituting the settlement formed on my behalf by my particular friend, Judge Henry Bree, of Washita, consisting of upwards of one thousand arpens, or acres of land, with the appurtenances and improvements thereon, and also all the personal estate thereto belonging, and thereon remaining, including upwards of thirty



slaves now on said settlement, and their increase, in trust, however, and subject to the following reservations:

I desire, that no part of the said estate or property, or the slaves thereon, or their increase, shall be disposed of or sold for the term of twenty years from and after my decease, should the said Judge Henry Bree survive me and live so long, but that the said settlement shall be kept up by the said Judge Henry Bree, for and during said term of twenty years, as if it was his own; that is, it shall remain under his sole care and control, he shall improve the same by raising such produce as he may deem most advisable, and, after paying taxes, and all expenses in keeping up the settlement, by clothing the slaves and otherwise, he shall have and enjoy for his own use all the nett profits of said settlement. Provided, however, and I desire that the said Judge Henry Bree shall render annually to the Corporation of the City of New Orleans, a report of the state of the settlement, the income and expenditure thereof, the number and increase of the slaves, and the nett result of the whole. I desire that, at the expiration of the said term of twenty years, or on the decease of the said Judge Henry Bree, should he not live so long, the land and improvements forming said settlement, the slaves thereon, or thereto belonging, and all other appurtenant personal property, shall be sold, as soon as the said Corporation shall deem it advisable to do so, and the proceeds of the said sale or sales shall be applied by the said Corporation to such uses and purposes as they shall consider most likely to promote the health and the general prosperity of the inhabitants of the City of New Orleans. But, until the said sale shall be made, the said Corporation shall pay all taxes, prevent waste or intrusion, and so manage the said settlement and the slaves, and their increase thereon, as to derive an income, and the said income shall be applied from time to time, to the same uses and purposes for the health and general prosperity of the said inhabitants.

2. I give, devise, and bequeath to the Mayor, Aldermen, and Citizens of Philadelphia, their successors and assigns, two undivided third parts of all the rest and residue of my said real estate, being the lands unimproved near Washita, in the said State of Louisiana, in trust, that, in common with the Corporation of the City of New Orleans, they shall pay the taxes on the said lands, and preserve them from waste or intrusion, for the term of ten years from and after my decease, and at the end of the said term, when they shall deem it advisable to do so, shall sell and dispose of their interest in said lands gradually from time to time, and apply the proceeds of such sales to the same uses and purposes hereinafter declared and directed, of and concerning the residue of my personal estate.

3. And I give, devise, and bequeath to the Corporation of the City of New Orleans, their successors and assigns, the remaining one undivided third part of the said lands, in trust, in common with the Mayor, Aldermen and Citizens of Philadelphia, to pay the taxes on the said lands, and preserve them from waste and intrusion, for the term of ten years from and after my decease, and, at the end of the said term when they shall deem it advisable to do so, to sell and dispose of their interest in said lands gradually from time to time, and apply the proceeds of such sales to such uses and purposes as the said Corporation may consider most likely to promote the health and general prosperity of the inhabitants of the City of New Orleans.

**FOR THE EDUCATION OF THE POOR—BEQUEST TO THE MAYOR, ALDERMEN, &c. OF PHILADELPHIA.**

XX. And whereas, I have been for a long time impressed with the importance of educating the poor, and of placing them by the early cultivation of their minds and the developement of their moral principles above the many temptations, to which, through poverty and ignorance they are exposed; and I am particularly desirous to provide for such a number of poor male white

orphan children, as can be trained in one institution, a better education, as well as a more comfortable maintenance than they usually receive from the application of the public funds: And whereas, together with the object just adverted to, I have sincerely at heart the welfare of the City of Philadelphia, and, as a part of it, am desirous to improve the neighborhood of the river Delaware, so that the health of the citizens may be promoted and preserved, and that the eastern part of the city may be made to correspond better with the interior: Now, I do give, devise and bequeath *all the residue and remainder of my Real and Personal Estate* of every sort and kind wheresoever situate, (the real estate in Pennsylvania charged as aforesaid) unto "the Mayor, Aldermen and Citizens of Philadelphia," their successors and assigns, in trust, to and for the several uses, intents, and purposes hereinafter mentioned and declared of and concerning the same, that is to say: So far as regards my real estate in Pennsylvania, in trust, that no part thereof shall ever be sold or alienated by the said "The Mayor, Aldermen and Citizens of Philadelphia," or their successors, but the same shall for ever thereafter be let from time to time, to good tenants, at yearly, or other rents, and upon leases in possession not exceeding five years from the commencement thereof, and that the rents, issues, and profits arising therefrom shall be applied towards keeping that part of the said real estate situate in the city and liberties of Philadelphia constantly in good repair, (parts elsewhere situate to be kept in repair by the tenants thereof respectively) and towards improving the same, whenever necessary, by erecting new buildings, and that the nett residue (after paying the several annuities herein before provided for) be applied to the same uses and purposes as are herein declared of and concerning the residue of my personal estate: And so far as regards my real estate in Kentucky, now under the care of Messrs Triplett and Burnley, in trust, to sell and dispose of the same, whenever it may be expedient to do so, and to apply the proceeds of such sale to the same uses and purposes as are herein declared of concerning the residue of my personal estate.

**COLLEGE FOR THE EDUCATION OF THE POOR.**

XXI. And so far as regards the residue of my personal estate, in trust, as to *Two Millions of Dollars*, part thereof, to apply and expend so much of that sum as may be necessary—in erecting, as soon as practicable may be, in the centre of my square of ground between High and Chesnut Streets, and Eleventh and Twelfth Streets, in the City of Philadelphia, (which square of ground I hereby devote for the purposes hereinafter stated, and for no other, for ever,) a permanent college, with suitable out-buildings, sufficiently spacious for the residence and accommodation of at least three hundred scholars, and the requisite teachers and other persons necessary in such an institution as I direct to be established: and in supplying the said college and out-buildings with decent and suitable furniture, as well as books and all things needful to carry into effect my general design.\*

The said college shall be constructed with the most durable materials, and in the most permanent manner, avoiding needless ornament, and attending chiefly to the strength, convenience, and neatness of the whole: It shall be at least one hundred and ten feet east and west, and one hundred and sixty feet north and south, and shall be built on lines parallel with High and Chesnut Streets and Eleventh and Twelfth Streets, provided those lines shall constitute at their junction right angles: It shall be three stories in height, each story at least fifteen feet high in the clear from the floor to the cornice: It shall be fire-proof inside and outside. The floors and the roof to be formed of solid materials, on arches turned on proper centres, so that no wood may be used, except for doors, windows and shutters: Cellars shall be made under the whole building, solely for

\* See Codicil, Peel Hall.



the purposes of the institution; the doors to them from the outside shall be on the east and west of the building; and access to them from the inside shall be had by steps, descending to the cellar floor from each of the entries or halls hereinafter mentioned; and the inside cellar doors to open under the stairs on the north-east and north-west corners of the northern entry, and under the stairs on the south-east and south-west corners of the southern entry; there should be a cellar window under and in a line with each window in the first story—they should be built one half below, the other half above the surface of the ground, and the ground outside each window should be supported by stout walls; the sashes should open inside, on hinges, like doors, and there should be strong iron bars outside each window; the windows inside and outside should not be less than four feet wide in the clear: There shall be in each story four rooms, each room not less than fifty feet square in the clear; the four rooms on each floor to occupy the whole space east and west on such floor or story, and the middle of the building north and south; so that in the north of the building, and in the south thereof, there may remain a space of equal dimensions, for an entry or hall in each, for stairs and landings: In the north-east and in the north-west corners of the northern entry or hall on the first floor, stairs shall be made so as to form a double stair-case, which shall be carried up through the several stories; and, in like manner, in the south-east and south-west corners of the southern entry or hall, stairs shall be made, on the first floor, so as to form a double stair-case, to be carried up through the several stories; the steps of the stairs to be made of smooth white marble, with plain square edges, each step not to exceed nine inches in the rise, nor to be less than ten inches in the tread; the outside and inside foundation walls shall be at least ten feet high in the clear from the ground to the ceiling; the first floor shall be at least three feet above the level of the ground around the building, after that ground shall have been so regulated as that there shall be a gradual descent from the centre to the sides of the square formed by High and Chesnut, and Eleventh and Twelfth Streets: all the outside foundation walls, forming the cellars, shall be three feet six inches thick up to the first floor, or as high as may be necessary to fix the centres for the first floor; and the inside foundation wall, running north and south, and the three inside foundation walls running east and west (intended to receive the interior walls for the four rooms, each not less than fifty feet square in the clear, above mentioned,) shall be three feet thick up to the first floor, or as high as may be necessary to fix the centres for the first floor when carried so far up, the outside walls shall be reduced to two feet in thickness, leaving a recess outside of one foot, and inside, of six inches—and when carried so far up, the inside foundation walls shall also be reduced, six inches on each side, to the thickness of two feet; centres shall then be fixed on the various recesses of six inches throughout, left for the purpose, the proper arches shall be turned, and the first floor laid; the outside and the inside walls shall then be carried up of the thickness of two feet throughout, as high as may be necessary to begin the recess intended to fix the centres for the second floor, that is, the floor for the four rooms, each not less than fifty feet square in the clear, and for the landing in the north, and the landing in the south of the building, where the stairs are to go up—at this stage of the work, a chain, composed of bars of inch square iron, each bar about ten feet long, and linked together by hooks formed of the ends of the bars, shall be laid straightly and horizontally along the several walls, and shall be as tightly as possible worked into the centre of them throughout, and shall be secured wherever necessary, especially at all the angles, by iron clamps solidly fastened, so as to prevent cracking or swerving in any part; centres shall then be laid, the proper arches turned for the second floor and landings, and the second floor and landings

shall be laid; the outside and the inside walls shall then be carried up of the same thickness of two feet throughout, as high as may be necessary to begin in the recess intended to fix the centres for the third floor and landings; and, when so far carried up, another chain similar in all respects to that used at the second story, shall be in like manner worked into the walls throughout as tightly as possible, and clamped in the same way with equal care; centres shall be formed, the proper arches turned, and the third floor and landings shall be laid: the outside and inside walls shall then be carried up, of the same thickness of two feet throughout, as high as may be necessary to begin the recess intended to fix the centres for the roof; and, when so carried up, a third chain, in all respects like those used at the second and third stories, shall in the manner before described, be worked as tightly as possible into the walls throughout, and shall be clamped with equal care; centres shall now be fixed in the manner best adapted for the roof, which is to form the ceiling for the third story, the proper arches shall be turned, and the roof shall be laid as nearly horizontally as may be, consistently with the easy passage of water to the eaves: the outside walls still of the thickness of two feet throughout, shall then be carried up about two feet above the level of the platform, and shall have marble capping, with a strong and neat iron railing thereon: The outside walls shall be faced with slabs or blocks of marble or granite, not less than two feet thick, and fastened together with clamps securely sunk therein,—they shall be carried up flush from the recess of one foot formed at the first floor where the foundation outside wall is reduced to two feet: The floors and landings as well as the roof shall be covered with marble slabs, securely laid in mortar; the slabs on the roof to be twice as thick as those on the floors. In constructing the walls, as well as in turning the arches, and laying the floors, landings, and roof, good and strong mortar and grout, shall be used, so that no cavity whatever may any where remain. A furnace or furnaces for the generation of heated air shall be placed in the cellar, and the heated air shall be introduced in adequate quantity wherever wanted by means of pipes and flues inserted and made for the purpose in the walls, and as those walls shall be constructed. In case it shall be found expedient for the purposes of a library, or otherwise, to increase the number of rooms, by dividing any of those directed to be not less than fifty feet square in the clear, into parts, the partition walls to be of solid materials. A room most suitable for the purpose, shall be set apart for the reception, and preservation of my books and papers, and I direct that they shall be placed there by my executors, and carefully preserved therein. There shall be two principle doors of entrance into the college, one into the entry or hall on the first floor, in the north of the building, and in the centre between the east and west walls; the other into the entry or hall in the south of the building, and in the centre between the east and west walls; the dimensions to be determined by a due regard to the size of the entire building, to that of the entry, and to the purposes of the doors. The necessity for, as well as the position and size of, other doors, internal or external, and also the position and size of the windows, to be, in like manner, decided on by a consideration of the uses to which the building is to be applied, the size of the building itself, and of the several rooms, and of the advantages of light and air: there should in each instance be double doors, those opening into the rooms to be what are termed glass doors, so as to increase the quantity of light for each room, and those opening outward to be of substantial wood work well lined and secured; the windows of the second and third stories I recommend to be made in the style of those in the first and second stories of my present dwelling house, North Water Street, on the eastern front thereof; and outside each window I recommend that a substantial and neat iron balcony be placed suffi-



ciently wide, to admit the opening of the shutters against the walls; the windows of the lower story to be in the same style except that they are not to descend to the floor, but so far as the subbase, up to which the wall is to be carried, as is the case in the lower story of my house at my place in Passyunk Township. In minute particulars, not here noticed, utility and good taste should determine. There should be at least four out-buildings, detached from the main edifice and from each other, and in such positions as shall at once answer the purposes of the institution, and be consistent with the symmetry of the whole establishment: each building should be, as far as practicable, devoted to a distinct purpose; in that one or more of those buildings, in which they may be most useful, I direct my executors to place my plate and furniture of every sort.

The entire square, formed by High and Chesnut Streets, and Eleventh and Twelfth Streets, shall be enclosed with a solid wall, at least fourteen inches thick, and ten feet high, capped with marble and guarded with irons on the top, so as to prevent persons from getting over; there shall be two places of entrance into the square, one in the centre of the wall facing High Street, and the other in the centre of the wall facing Chesnut Street; at each place of entrance there shall be two gates, one opening inward, and the other outward; those opening inward to be of iron, and in the style of the gates north and south of my Banking house; and those opening outward to be of substantial wood work well lined and secured on the faces thereof with sheet iron. The messuages now erected on the south-east corner of High and Twelfth Streets, and on Twelfth Street to be taken down and removed as soon as the college and out-buildings shall have been erected, so that the establishment may be rendered secure and private.

When the college and appurtenances shall have been constructed, and supplied with plain and suitable furniture and books, philosophical and experimental instruments and apparatus, and all other matters needful to carry my general design into execution; the income, issues and profits of so much of the said sum of two millions of dollars as shall remain unexpended, shall be applied to maintain the said college according to my directions.

#### PROVISIONS RESPECTING THE COLLEGE.

1. The institution shall be organized as soon as practicable, and to accomplish that purpose more effectually, due public notice of the intended opening of the college shall be given—so that there may be an opportunity to make selections of competent instructors, and other agents, and those who may have the charge of orphans, may be aware of the provisions intended for them.

2. A competent number of instructors, teachers, assistants, and other necessary agents, shall be selected, and when needful, their places from time to time supplied: they shall receive adequate compensation for their services; but no person shall be employed, who shall not be of tried skill in his or her proper department, of established moral character, and in all cases persons shall be chosen on account of their merit, and not through favour or intrigue.

3. As many poor white male orphans, between the ages of six and ten years, as the said income shall be adequate to maintain, shall be introduced into the college as soon as possible; and from time to time as there may be vacancies, or as increased ability from income may warrant, others shall be introduced.

4. On the application for admission, an accurate statement should be taken in a book prepared for the purpose, of the name, birthplace, age, health; condition, as to relatives, and other particulars useful to be known of each orphan.

5. No orphan should be admitted until the guardians or directors of the poor, or a proper guardian or other

competent authority, shall have given, by indenture, relinquishment, or otherwise, adequate power to the Mayor, Aldermen, and Citizens of Philadelphia, or to directors, or others by them appointed, to enforce, in relation to each orphan, every proper restraint, and to prevent relatives or others from interfering with, or withdrawing such orphan from the institution.

6. Those orphans, for whose admission application shall first be made, shall be first introduced, all other things concurring—and at all future times, priority of application shall entitle the applicant to preference in admission, all other things concurring; but if there shall be at any time, more applicants than vacancies, and the applying orphans shall have been born in different places, a preference shall be given—*first*, to orphans born in the city of Philadelphia; *secondly*, to those born in any other part of Pennsylvania; *thirdly*, to those born in the city of New York (that being the first port on the continent of North America at which I arrived;) and *lastly*, to those born in the city of New Orleans, being the first port on the said continent at which I first traded, in the first instance as first officer, and subsequently as master and part owner of a vessel and cargo.

7. The orphans admitted into the college, shall be there fed with plain but wholesome food, clothed with plain but decent apparel, (no distinctive dress ever to be worn) and lodged in a plain but safe manner; Due regard shall be paid to their health, and to this end their persons and clothes shall be kept clean, and they shall have suitable and rational exercise and recreation; They shall be instructed in the various branches of a sound education, comprehending reading, writing, grammar, arithmetic, geography, navigation, surveying, practical mathematics, astronomy, natural, chemical, and experimental philosophy, the French and Spanish languages, (I do not forbid, but I do not recommend the Greek and Latin languages)—and such other learning and science as the capacities of the several scholars may merit or warrant: I would have them taught facts and things, rather than words or signs: And, especially, I desire, that by every proper means a pure attachment to our republican institutions, and to the sacred rights of conscience, as guaranteed by our happy constitutions, shall be formed and fostered in the minds of the scholars.

8. Should it unfortunately happen, that any of the orphans admitted into the college, shall, from mal-conduct, have become unfit companions for the rest, and mild means of reformation prove abortive, they should no longer remain therein.

9. Those scholars, who shall merit it, shall remain in the college until they shall respectively arrive at between fourteen and eighteen years of age; they shall then be bound out by the Mayor, Aldermen and Citizens of Philadelphia, or under their direction, to suitable occupations, as those of agriculture, navigation, arts, mechanical trades, and manufactures, according to the capacities and acquirements of the scholars respectively, consulting, as far as prudence shall justify it, the inclinations of the several scholars, as to the occupation, art, or trade, to be learned.

In relation to the organization of the college and its appendages, I leave, necessarily, many details to the Mayor, Aldermen and Citizens of Philadelphia, and their successors; and I do so, with the more confidence, as, from the nature of my bequests and the benefit to result from them, I trust that my fellow citizens of Philadelphia, will observe and evince especial care and anxiety in selecting members for their city councils, and other agents.

There are, however, some restrictions, which I consider it my duty to prescribe, and to be, amongst others, conditions on which my bequest for said college is made and to be enjoyed, namely: *first*, I enjoin and require, that, if, at the close of any year, the income of the fund devoted to the purposes of the said college shall be more than sufficient for the mainte-



nance of the institution during that year, then the balance of the said income, after defraying such maintenance, shall be forthwith invested in good securities, thereafter to be and remain a part of the capital; but, in no event, shall any part of the said capital be sold, disposed of, or pledged, to meet the current expenses of the said institution, to which I devote the interest, income, and dividends thereof, exclusively: *Secondly*, I enjoin and require that no ecclesiastic, missionary, or minister of any sect whatsoever, shall ever hold or exercise any station or duty whatever in the said college; nor shall any such person ever be admitted for any purpose, or as a visitor within the premises appropriated to the purposes of the said college:—In making this restriction, I do not mean to cast any reflection upon any sect or person whatsoever; but, as there is such a multitude of sects, and such a diversity of opinion amongst them, I desire to keep the tender minds of the orphans, who are to derive advantage from this bequest, free from the excitement, which clashing doctrines and sectarian controversy are so apt to produce; my desire is, that all the instructors and teachers in the college shall take pains to instil into the minds of the scholars, the purest principles of morality, so that, on their entrance into active life, they may from inclination and habit evince benevolence towards their fellow creatures and a love of truth, sobriety and industry, adopting at the same time such religious tenets as their matured reason may enable them to prefer.—If the income, arising from that part of the said sum of two million of dollars, remaining after the construction and furnishing of the college and out-buildings, shall, owing to the increase of the number of orphans applying for admission, or other cause, be inadequate to the construction of new buildings, or the maintenance and education of as many orphans as may apply for admission, then such further sum as may be necessary for the construction of new buildings, and the maintenance and education of such further number of orphans as can be maintained and instructed within such buildings as the said square of ground shall be adequate to, shall be taken from the final residuary fund hereinafter expressly referred to for the purpose, comprehending the income of my real estate in the city and county of Philadelphia, and the dividends of my stock in the Schuylkill Navigation Company; my design and desire being, that the benefits of said institution shall be extended to as great a number of orphans as the limits of the said square and buildings therein can accommodate.

#### IMPROVEMENTS ON THE DELAWARE.

XXII. And as to the further sum of *Five Hundred Thousand Dollars*, part of the residue of my personal estate, in trust, to invest the same securely, and to keep the same so invested, and to apply the income thereof exclusively to the following purposes: that is to say—

1: To lay out, regulate, curb, light and pave a passage or street, on the east part of the city of Philadelphia, fronting the river Delaware, not less than twenty-one feet wide, and to be called *Delaware Avenue*, extending from South or Cedar Street, all along the east part of Water Street squares, and the west side of the logs, which form the heads of the docks, or therabouts; and to this intent to obtain such Acts of Assembly, and to make such purchases or agreements, as will enable the Mayor, Aldermen, and Citizens of Philadelphia to remove or pull down all the buildings, fences and obstructions which may be in the way, and to prohibit all buildings, fences, or erections of any kind to the eastward of said Avenue; to fill up the heads of such of the docks as may not afford sufficient room for the said street; to compel the owners of wharves to keep them clean and covered completely with gravel or other hard materials, and to be so levelled that water will not remain thereon after a shower of rain; to completely clean and keep clean all the docks within the limits of the

city, fronting on the Delaware; and to pull down all platforms carried out, from the east part of the city over the river Delaware on piles or pillars.

#### REMOVAL OF WOODEN BUILDINGS.

2. To pull down and remove all wooden buildings, as well those made of wood and other combustible materials, as those called brick-paned, or frame buildings filled in with bricks, that are erected within the limits of the city of Philadelphia, and also to prohibit the erection of any such building, within the said city's limits at any future time.

#### WIDENING WATER STREET.

3. To regulate, widen, pave and curb Water Street, and to distribute the Schuylkill water therein upon the following plan, that is to say—that Water Street be widened east and west from Vine Street all the way to South Street, in like manner as it is from the front of my dwelling to the front of my stores on the west side of Water Street, and the regulation of the curb-stones continued at the same distance from one another, as they are at present opposite to the said dwelling and stores, so that the regulation of the said street be not less than thirty-nine feet wide, and afford a large and convenient footway, clear of obstructions and incumbrances of every nature, and the cellar doors on which, if any shall be permitted, not to extend from the buildings on to the footway more than four feet; the said width to be increased gradually, as the fund shall permit, and as the capacity to remove impediments shall increase, until there shall be a correct and permanent regulation of Water Street, on the principles above stated, so that it may run north and south as straight as possible. That the ten feet middle Alley, belonging to the public, and running from the centre of the east squares to Front Street all the way down across Water Street to the river Delaware, be kept open and cleared as city property, all the way from Vine to South Street; that such part of each centre or middle Alley as runs from Front to Water Street, be arched over with bricks or stone, in so strong a manner as to facilitate the building of plain and permanent stone steps and plat-forms, so that they may be washed and kept constantly clean; and that the continuance of the said Alleys, from the east side of Water Street be curbed all the way to the river Delaware, and kept open for ever. (I understand that those middle or centre Alleys, were left open in the first plan of the lots, on the east front of the city, which were granted from the east side of Front Street to the river Delaware, and that each lot on said east front has contributed to make those Alleys by giving a part of their ground in proportion to the size of each lot; those Alleys were in the first instance, and still are, considered public property, intended for the convenience of the inhabitants residing in Front Street to go down to the river for water and other purposes; but, owing to neglect or to some other cause, on the part of those who have had the care of the city property, several encroachments have been made on them by individuals, by wholly occupying, or building over them, or otherwise, and in that way the inhabitants, more particularly those who reside in the neighbourhood, are deprived of the benefit of that wholesome air, which their opening and cleansing throughout would afford.) That the iron pipes, in Water Street, which, by being of smaller size than those in the other streets, and too near the surface of the ground, cause constant leaks, particularly in the winter season, which in many places render the street impassable, be taken up and replaced by pipes of the same size, quality and dimensions in every respect, and laid down as deeply from the surface of the ground, as the iron pipes, which are laid in the main streets of the city; and as it respects pumps for Schuylkill water and fire-plugs in Water Street, that one of each be fixed at the southwest corner of Vine and Water Streets, and so running southward, one of each near the steps of the centre



Alley, going up to Front Street; One of each at the south-west corner of Sassafras and Water Streets, one of each near the steps of the centre Alley going up to Front Street, and so on at every south-west corner of all the main streets and Water Street, and of the centre Alleys of every square, as far as South or Cedar Street; and when the same shall have been completed, that all Water Street shall be repaved by the best workmen, in the most complete manner, with the best paving water-stones, after the height of the curb-stones shall have been regulated throughout, as well as the ascent and descent of the street, in such manner as to conduct the water through the main streets and the Centre Alleys to the river Delaware, as far as practicable; and whenever any part of the street shall want to be raised, to use nothing but good paving gravel for that purpose, so as to make the paving as permanent as possible. By all which improvements, it is my intention to place and maintain the section of the city above referred to, in a condition which will correspond better with the general cleanliness and appearance of the whole city, and be more consistent with the safety, health and comfort of the citizens. And my mind and will are, that all the income, interest, and dividends of the said capital sum of five hundred thousand dollars, shall be yearly, and every year, expended upon the said objects, in the order in which I have stated them as closely as possible, and upon no other objects until those enumerated shall have been attained; and, when those objects shall have been accomplished, I authorize and direct the said The Mayor, Aldermen, and Citizens, to apply such part of the income of the said capital sum of five hundred thousand dollars, as they may think proper to the further improvement, from time to time, of the eastern or Delaware front of the city.

#### BEQUEST TO THE STATE OF PENNSYLVANIA.

XXIII. I give and bequeath to the Commonwealth of Pennsylvania, the sum of *Three Hundred Thousand Dollars*, for the purpose of internal improvement by canal navigation, to be paid into the State treasury by my executors, as soon as such laws shall have been enacted by the constituted authorities of the said Commonwealth as shall be necessary, and amply sufficient to carry into effect, or to enable the constituted authorities of the city of Philadelphia, to carry into effect the several improvements above specified; namely,

#### LAWS TO BE ENACTED.

1. *Laws*, to cause Delaware Avenue, as above described, to be made, paved, curbed, and lighted; to cause the buildings, fences, and other obstructions now existing to be abated and removed; and to prohibit the creation of any such obstructions to the eastward of said Delaware Avenue; 2. *Laws*, to cause all wooden buildings as above described to be removed, and to prohibit their future erection within the limits of the city of Philadelphia; 3. *Laws*, providing for the gradual widening, regulating, paving, and curbing Water Street, as herein before described, and also for the repairing the middle alleys, and introducing the Schuylkill water, and pumps, as before specified—all which objects may, I persuade myself, be accomplished on principles at once just in relation to individuals, and highly beneficial to the public: the said sum, however, not to be paid, unless said laws be passed within one year after my decease.

XXIV. And as it regards the *remainder of said residue* of my personal estate in trust, to invest the same in good securities, and in like manner to invest the interest and income thereof from time to time, so that the whole shall form a permanent fund; and to apply the income of the said fund,

1st. To the further improvement and maintenance of the aforesaid College, as directed in the last paragraph of the XXist clause of this Will:

2d. To enable the Corporation of the City of Philadelphia to provide more effectually than they now do, for the security of the persons and property of the in-

habitants of the said City, by a competent police, including a sufficient number of watchmen, really suited to the purpose; and to this end, I recommend a division of the City, into watch districts, or four parts, each under a proper head, and that, at least two watchmen shall, in each round or station, patrol together.

3d. To enable the said Corporation to improve the City's property, and the general appearance of the City itself, and, in effect, to diminish the burden of taxation, now most oppressive, especially on those who are the least able to bear it:—

To all which objects, the prosperity of the City, and the health and comfort of its inhabitants, I devote the said fund as aforesaid, and direct the income thereof to be applied yearly and every year for ever, after providing for the College as hereinbefore directed, as my primary object. But, if the said City shall knowingly and wilfully violate any of the conditions hereinbefore and hereinafter mentioned, then I give and bequeath the said remainder and accumulations to the Commonwealth of Pennsylvania, for the purposes of internal navigation; excepting, however, the rents, issues, and profits of my real estate in the City and County of Philadelphia, which shall for ever be reserved and applied to maintain the aforesaid College, in the manner specified in the last paragraph of the XXist clause of this Will: And if the Commonwealth of Pennsylvania shall fail to apply this or the preceding bequest to the purposes before mentioned, or shall apply any part thereof to any other use, or shall, for the term of one year, from the time of my decease, fail or omit to pass the laws hereinbefore specified for promoting the improvement of the City of Philadelphia, then I give, devise and bequeath the said remainder and accumulations (the rents aforesaid always excepted and reserved for the College as aforesaid) to the United States of America, for the purposes of internal navigation, and no other.

#### CONDITIONS OF THE BEQUEST TO THE CITY.

Provided, nevertheless, and I do hereby declare, that all the preceding bequests and devises of the residue of my estate to the Mayor, Aldermen, and Citizens of Philadelphia, are made upon the following express conditions, that is to say:—*First*, That none of the monies, principal, interest, dividends, or rents, arising from the said residuary devise and bequest, shall at any time be applied to any other purpose or purposes whatever, than those herein mentioned and appointed:—*Second*, That separate accounts, distinct from the other accounts of the Corporation, shall be kept by the said Corporation, concerning the said devise, bequest, College, and funds: and of the investment and application thereof; and that a separate account or accounts of the same shall be kept in bank, not blended with any other account, so that it may at all times appear on examination by a committee of the Legislature as herein-after mentioned, that my intentions had been fully complied with:—*Third*, That the said Corporation render a detailed account annually, in duplicate, to the Legislature of the Commonwealth of Pennsylvania, at the commencement of the session, one copy for the Senate, and the other for the House of Representatives, concerning the said devised and bequeathed estate, and the investment and application of the same, and also a report in like manner of the state of the said college, and shall submit all their books, papers, and accounts touching the same, to a committee or committees of the Legislature for examination, when the same shall be required.

*Fourth*, the said Corporation shall also cause to be published in the month of January, annually, in two or more newspapers, printed in the City of Philadelphia, a concise but plain account of the state of the trusts, devises and bequests herein declared and made, comprehending the condition of the said college, the number of scholars, and other particulars needful to be publicly known, for the year next preceding the said month of January, annually.



## BANK ESTABLISHMENT.

XXV. And, whereas I have executed an assignment, in trust, of my banking establishment, to take effect the day before my decease, to the intent that all the concerns thereof may be closed by themselves, without being blended with the concerns of my general estate, and the balance remaining to be paid over to my executors: Now, I do hereby direct my executors, hereinafter mentioned, not to interfere with the said trust in any way except to see that the same is faithfully executed, and to aid the execution thereof by all such acts and deeds as may be necessary and expedient to effectuate the same, so that it may be speedily closed, and the balance paid over to my executors, to go, as in my Will, into the residue of my estate: And I do hereby authorize, direct, and empower the said trustees, from time to time, as the capital of the said bank shall be received, and shall not be wanted for the discharge of the debts due thereat, to invest the same in good securities in the names of my executors, and to hand over the same to them, to be disposed of according to this my Will.

XXVI. Lastly, I do hereby nominate and appoint Timothy Paxson, Thomas P. Cope, Joseph Roberts, William J. Duane, and John A. Barelay, executors of this my last Will and Testament: I recommend to them to close the concerns of my estate as expeditiously as possible, and to see that my intentions in respect to the residue of my estate are and shall be strictly complied with: and I do hereby revoke all other Wills by me heretofore made.

In witness, I, the said Stephen Girard, have to this my last Will and Testament, contained in thirty-five pages, set my hand at the bottom of each page, and my hand and seal at the bottom of this page; the said Will executed, from motives of prudence, in duplicate this sixteenth day of February, in the year one thousand eight hundred and thirty.

STEPHEN GIRARD. [Seal.]

Signed, sealed, published, and declared }  
by the said Stephen Girard, as and for }  
his last Will and Testament, in the }  
presence of us, who have at his re- }  
quest hereunto subscribed our names }  
as witnesses thereto, in the presence }  
of the said Testator, and of each other. }  
Feb. 16, 1830.

JOHN H. IRWIN,  
SAMUEL ARTHUR,  
S. H. CARPENTER.

## COUNCILS.

WHEREAS, I, Stephen Girard, the Testator named in the foregoing Will and Testament, dated the sixteenth day of February, eighteen hundred and thirty, have, since the execution thereof, purchased several parcels and pieces of real estate, and have built sundry Messuages all which, as well as any real estate that I may hereafter purchase, it is my wish and intention to pass by the said Will: Now, I do hereby republish the foregoing last Will and Testament, dated February 16, 1830, and do confirm the same in all particulars: In witness, I, the said Stephen Girard, set my hand and seal hereunto, the twenty-fifth day of December, eighteen hundred and thirty.

STEPHEN GIRARD. [Seal.]

Signed, sealed, published, and declared }  
by the said Stephen Girard, as and for }  
a re-publication of his last Will and }  
Testament, in the presence of us, who, }  
at his request, have hereunto subscrib- }  
ed our names as Witnesses thereto in }  
the presence of the said Testator and }  
of each other. December 25th, 1830.

JOHN H. IRWIN,  
SAMUEL ARTHUR,  
JNO. THOMSON.

## PEEL HALL.

WHEREAS, I, Stephen Girard, the Testator named in the foregoing Will and Testament, dated February

16, 1830, have, since the execution thereof, purchased several parcels and pieces of land and real estate, and have built sundry Messuages, all which, as well as any real estate that I may hereafter purchase, it is my intention to pass by said Will; And whereas in particular; I have recently purchased from Mr. William Parker, the Mansion House, out-buildings, and forty-five acres and some perches of land, called Peel Hall, on the Ridge Road, in Penn Township: Now, I declare it to be my intention, and I direct, that the Orphan establishment, provided for in my said Will, instead of being built as therein directed upon my square of ground between High and Chesnut, and Eleventh and Twelfth Streets in the City of Philadelphia, shall be built upon the estate so purchased from Mr. W. Parker, and I hereby devote the said estate to that purpose, exclusively, in the same manner as I had devoted the said square, hereby directing that all the improvements and arrangements for the said Orphan establishment prescribed by my said Will as to said square shall be made and executed upon the said estate, just as if I had in my Will devoted the said estate to said purpose—consequently, the said square of ground is to constitute, and I declare it to be a part of the residue and remainder of my real and personal estate, and given and devised for the same uses and purposes as are declared in section twenty, of my Will, it being my intention that the said square of ground shall be built upon and improved in such a manner as to secure a safe and permanent income for the purposes stated in said twentieth section. In witness whereof, I, the said Stephen Girard, set my hand and seal hereunto, the twentieth day of June, eighteen hundred and thirty-one.

STEPHEN GIRARD. [Seal.]

Signed, sealed, published, and declared, }  
by the said Stephen Girard, as and for }  
a re-publication of his last Will and }  
Testament, and a further direction in }  
relation to the real estate therein men- }  
tioned, in the presence of us, who, at }  
his request, have hereunto subscribed }  
our names as witnesses thereto, in the }  
presence of the said Testator, and of }  
each other, June 20, 1831.

S. H. CARPENTER,  
L. BARDIN,  
SAMUEL ARTHUR.

Philadelphia, December 31st, 1831.—Then personally appeared Samuel Arthur, and S. H. Carpenter, two of the witnesses to the foregoing Will and the second Codicil or republication thereof, and on their oaths did say that they were present, and did see and hear Stephen Girard the testator in the said Will and second republication thereof named, sign, seal, publish and declare the same as and for his last Will and Testament, and republication thereof, and that at the doing thereof, he was of sound mind, memory and understanding, to the best of their knowledge and belief; and at the same time appeared Jno. Thomson, one of the witnesses to the first republication of said Will, and on his solemn affirmation did say that he was present, and did see and hear Stephen Girard, the testator in the first republication of said Will, named, sign, seal, publish, and declare the same as and for a republication of his last Will and Testament. And the said Samuel Arthur, another of the witnesses to said first republication of said Will, on his oath did further say, that he was present, and did see and hear Stephen Girard, the testator in the first republication of said Will, named, sign, seal, publish and declare the same as and for a republication of his last Will and Testament, and they both did say that at the doing thereof, he was of sound mind, memory and understanding, to the best of their knowledge and belief.

Coram, J. HUMES, Register.

December 31, 1831.—Timothy Paxson, and Thomas P. Cope, two of the Executors, affirmed, and Joseph Roberts, William J. Duane, and John A. Barelay, the other Executors, sworn, and letters testamentary granted unto them.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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## STATISTICS OF WEST CHESTER.

We are much obliged to "W. D." for the following statistical article—it is just such a collection of facts as we should be glad to receive from every town and portion of the State. It is therefore respectfully recommended to the imitation of all, who may have it in their power, to furnish facts of the same kind; which, in time, would prove an extremely valuable amount of information.

For the Register of Pennsylvania.

The recent Triennial Assessment suggested the idea, and afforded some of the requisite data, to present a brief Statistical view of the Borough of West-Chester. The following sketch, is believed to be tolerably accurate; and as its preservation, in the *Register*, may serve to gratify the curiosity of those who, may, hereafter, take an interest in noting the growth and improvement of the Borough, it is respectfully submitted for that purpose.

W. D.

December 26th, 1831.

### WEST-CHESTER, AT THE CLOSE OF 1831.

The town of West-Chester, Pennsylvania, is situated on the dividing ridge, between the waters of Chester Creek and the Brandywine, two miles east of the latter stream, five miles south of the great Limestone Valley, and twenty-three miles west of Philadelphia. It became the seat of Justice of Chester County, in the year 1786; and was erected into a Borough, in the year 1799. The boundaries of the Borough embrace a tract, about one mile and a quarter square; which tract was taken wholly out of the township of Goshen, having the township line of East-Bradford for its western limit.

In the year 1800, the inhabitants amounted to	374
" 1810, " "	471
" 1820, " "	552
" 1830, " "	1252

At present, Dec. 1831, the population is about 1500  
The number of Citizens entitled to vote, about 250

The original plan of the Town consisted of four contiguous squares, with two principal streets, crossing in the centre. In 1829, several streets were opened and new squares formed, on the south-western side of the primitive squares, by William Everhart, Esq.

The DWELLING HOUSES amount to 234 in number; of which about 200 are in the Village, and the residue on the adjacent farms.

The ASSESSED VALUE of the Borough, in December, 1831, is as follows:—

LANDS, including eleven small farms, with town lots, - - - - -	\$167,618
BUILDINGS, subjected to taxation, - - - - -	167,974
HORSES, 118 in number, - - - - -	4,970
Cows, and working oxen, 124 in number, - - - - -	1,860
Occupations and professions, taxed, - - - - -	59,800
Total.	\$402,222

Stocks, Bonds, Mortgages, &c, yielding dividends, or interest, - - - - -	530,287
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Aggregate amount of property, &c. taxed, \$932,509

The number of Taxable inhabitants, is	
Males,.....	293
Females,.....	32
Total,.....	325

Of the male taxables, seven are *blacks*—being house-keepers.

The PUBLIC BUILDINGS in the Borough, are	
Court House and Prison, commenced building in the year - - - - -	1784
Suspended during the year - - - - -	1785
Finished in the year - - - - -	1786
Offices of Clerks, Register and Recorder, built - - - - -	1791
Market Houses, <i>old</i> one, in the rear of the public offices, built - - - - -	1802
<i>New</i> one, 100 feet long, in Market st., erected - - - - -	1831
Academy, built and incorporated, - - - - -	1812
Roman Catholic Chapel, built - - - - -	1793
Methodist Episcopal Church, built - - - - -	1816
Two Quaker Meeting Houses, one built - - - - -	1812
The other, in - - - - -	1830

The INSTITUTIONS, of a Public character, are	
Post office, established in the year - - - - -	1802
Bank of Chester County, chartered - - - - -	1814
Library founded - - - - -	1814
Cabinet of Natural Science, founded - - - - -	1826
Incorporated - - - - -	1831
Athenæum, founded and incorporated - - - - -	1827
Female Boarding School, established - - - - -	1830
Six day schools, of various grades, and dates.	
Two Fire Companies, one established in the year - - - - -	1800
The other in - - - - -	1818
One Volunteer Corps of Infantry, formed - - - - -	1830

Four weekly Newspapers, viz.	
American Republican, commenced at Downingtown, - - - - -	1808
Transferred to West-Chester - - - - -	1822
Village Record, commenced - - - - -	1809
National Republican Advocate, commenced - - - - -	1828
Anti-Masonic Register and Examiner, commenced - - - - -	1829



Among the Occupations, and Establishments, in the Borough, may be enumerated the following:—

5 Male Teachers,	8 Tailors,
8 Female do.	6 Boot and shoemakers,
2 Clergymen,	2 Hatters,
1 President Judge,	3 Saddlers,
20 Attorney's at Law,	2 Coach-makers,
1 Conveyancer,	2 Wheel-wrights,
2 Notaries,	4 Black-smiths,
5 Justices of the peace,	2 Copper do. & tinplaters,
4 Physicians,	1 Silver plater,
2 Apothecaries,	1 Gun-smith,
4 Confectioners,	1 Lock-smith,
1 Brewery,	3 Cabinet-makers,
2 Bakers,	2 Chair-makers,
2 Butchers,	2 Cedar coopers,
15 Stores, of dry goods, groceries and hard ware,	5 Masons & brick-layers,
8 Taverns, and a ninth, a splendid new Hotel, nearly finished,	2 Plasterers,
2 Oyster and beer houses,	7 Carpenters,
1 Tobacconist,	3 Painters, glaziers & paper hangers,
1 Pottery,	3 Watch-makers,
1 Tannery,	2 Weavers,
2 Currying shops,	2 Brick-yards, and a third, just without the borough limits,
4 Printing offices,	2 Lumber & coal yards.

The SIDE WALKS, or foot ways of the Streets, were first paved with bricks, in the year 1823. The two principal streets were *McAdamized*, in the years 1829 and 1830.

One *daily* line of Mail Stages passes through the borough, between Philadelphia and Lancaster. One *tri-weekly* mail stage line passes the same way, between Philadelphia and Baltimore; and two *daily* lines of stages run between West-Chester and Philadelphia. The mail is also carried on horse-back, *daily*, between West-Chester and Downingtown; and weekly, between West-Chester and Wilmington, Elkton, Chester and Norristown.

A RAIL-ROAD, (commenced in May last, and now more than half completed,) is in progress, from West-Chester to the Pennsylvania Rail way; by which, as soon as finished, the borough will enjoy all the facilities of communication, which that important improvement is calculated to afford, with the trade of the Delaware, the Schuylk R., and the Susquehanna.

N. B. The principal Seminaries, both for girls, and young men, in the borough of West-Chester, are now in "the full tide of successful operation;" and eminently deserving of the patronage they receive.

#### WILLIAMSPORT AND ELMIRA RAIL-ROAD.

At an adjourned meeting of many of the citizens of Lycoming county, held in the court house on the evening of the 6th inst. the committee, upon whom had devolved the duty, in pursuance of the object of their appointment, of preparing and presenting a report on the prospects of connecting the CHEMUNG and PENNSYLVANIA CANALS by a RAIL-ROAD, to run from Elmira in the state of New York, to Williamsport in the county of

Lycoming, submitted the following Report and Resolutions.

In submitting to your notice a proposal embracing so various, important, and durable interests, as seem to be involved in that having in view the construction of a rail-road, to run from Williamsport to Elmira in the state of N. York, your committee have reason to congratulate you, in that the prejudices, with which men, even of the most correct judgment, have, almost uniformly, met those expedients of enlightened minds—which were new, indeed, and dependent, for the illustration of their practical utility, upon the deductions of science, and the theoretical doctrines of the originators; have, in this enlightened age and country, been dissipated; particularly with regard to the utility of turnpike roads, canals and rail-roads, by their operation and evident results; and, that in recommending this road to your entire approbation, we are therefore enabled to address you without entering into a discussion of those elementary principles which tend to prove that, as the bridle road of the pack horse is superior to the foot path formed for the accommodation of savage life, so our highways afford greater accommodation to civilized man, in his social intercourse, than such bridle roads; or, that, as our turnpikes are better calculated to afford accommodation to an agricultural people than the natural roads of our country, so our canals are superior, in every way, for promoting the interests of every class of society, to any turnpike road; or, that the canals of our country are inferior in such accommodation, to that which would be yielded by a rail-road, located upon such ground as may be selected for this under our immediate notice.

It may be unnecessary, also, to repeat here the well known test by which the benefit, yielded to the country by all such improvements, is most accurately determined; we mean the price of stocks in those markets which are located in the vicinity of the improvements. Were we to refer to this true standard of the utility of rail-roads, we could show you that in England (expensive as the construction of their roads has been, from the cost of land, the amount of damages, mode of construction, and other causes combined, which cannot exist here) the price of their stocks, in several instances, has more than doubled since the roads have been in successful operation.

Your committee again have cause to congratulate you, in that it is unnecessary, at this day, to go into an elaborate disquisition to prove the great importance to the country generally, of prosecuting in every practicable mode, such means of intercourse as will extend, invigorate and perpetuate our commercial relations; particularly as those relations tend to unite, by ties of interest, as well as by those of kindness and urbanity, the citizens of our united and sister states. We feel gratified in being able to say, that these results, as necessary consequences of this, and every other great, noble, and very beneficial improvement is fully appreciated; and that our fellow-citizens are now satisfied, that, in extending rail-roads and canals to every practicable point where the trade of the country, or the prospective resulting benefits will afford at all, in their estimation, the means of remuneration to the stock-holder, they will each aid, in its measure, to promote the intercourse and harmony of the states; the equalization of wealth, and of population; the security of our civil, political and religious liberties; an addition to the real value of our property; an equalization among the different sections of our country, of the cost of those supplies which are essential to every family—together with many others resulting local and general benefits, which the present state of information in our country, has, doubtless rendered familiar with all.

It will therefore be necessary to descend to some detail with regard to this particular road; for, unless it can be demonstrated that from its construction, will result



benefits to society at large, and, as a necessary consequence, liberally remunerate the stockholder for his investment, the attempt to proceed should be arrested, and no man be desired to aid, by pecuniary advances, that purpose which would only reduce his means, and be of real disservice to the community.

In the first place, then, the nature of the ground is such that we question much whether any location, running to the same extent from the margin of our rivers can be found in which so few obstructions are presented. About one third of the distance has been already passed over with a level, carried by an experienced and practical man, (Mr. Wilson,) and the ascent found to be not equal to one half of that which may be overcome by a Locomotive engine without difficulty, viz: 22 feet per mile. And, it is presumed, the remaining two thirds, present ground equally favorable, with exceptions at one or two points, at which, even, it is not supposed that stationary power will be required.

Stone and timber for constructing the road, it is known to all, are every where in abundance along the line; and almost without cost, in their rude state, to a company forming the road.

Your committee feel themselves justified in presenting to your view, the most flattering prospects in regard to the amount of tonnage which would, at once, be placed upon this road were it completed. It may be demonstrated that one thousand farms will not yield on an average, annually, as much tonnage for transportation on a rail-road, as one coal mine; the farms being of the same size and quality, as those on our West Branch—which we all know are not deficient in either. Then, 300 bushels of wheat is more than an average annual yield for each farm, beyond the consumption of the farmer and his sales at home, to place upon a rail-road to be transported to a foreign market. These 300 bushels, in wheat, will weigh about  $7\frac{1}{2}$  tons; in flour about  $5\frac{1}{2}$  tons; the average is  $6\frac{1}{2}$ ; 100 farms at  $6\frac{1}{2}$  tons each, will thus yield 6,500 tons; but a single coal mine, in which 12 miners are employed, will yield more than 7,000 tons; and, that there are many veins of coal along the route of the contemplated road, no one doubts; several being already known.

What, then, is it probable, will be the demand for coal, so as to require a large transportation of this mineral upon this road?

In answer, we reply that our blast furnaces consume from 600 to 1000 bushels of wood coal per day; which would perhaps equal a consumption of 1,500 tons of stone coal, in coke per annum. There are, then, several blast furnaces in the state of New York, so located, that the use of their wood coal being abandoned for that of our stone coal, furnished at the price it may be upon the completion of this road, will, perhaps, be found to result in the benefit of their owners.

In addition to this source of demand, almost every village in the state of New York has its iron foundry; the use of coal in which, in the form of coke, would be found materially to promote the interest of the proprietors. Indeed, it is now known to be a profitable trade to haul, in the winter season on sleds, our Bituminous coal to that state, and bring a return load of Plaster. Again, every blacksmith's shop will furnish a continued consumption for our coal; and thus steadily promote the interests of the stockholder in this road. It is a well known fact, that, at present, Anthracite coal, with all the expenses attendant upon the present mode of conveyance, is taken into the state of New York, at least as far as Geneva, to be used in smelting iron, (pig metal) in their foundries. How soon, then, would that coal be abandoned for such purpose, could a supply of coke, from our Bituminous coal be furnished them; not only as it could be had for less than half the price per bushel, but, because in place of burning, and thus imparting a brittle, rotten quality to the iron subjected to the action of the Anthracite, the coke would soften, render tough, and of far superior quality the metal smelted by it.

Again, as our Bituminous coal, so far as yet discovered, is solid in its texture, and free from disagreeable smell, would it not be used as a substitute generally for fuel in private families? As it has been in many instances with us; its low price, and perfect fitness for the purpose, recommending it for many miles along the N. York canals.

The salt works also, in the state of New York have, some of them, as we have understood, been abandoned for want of fuel; here then we have another extensive demand for our coal.

Taking these objects into view, together with many others that might be enumerated, such as the use of coal in distilleries, breweries, &c. &c. would it be exaggerating to say, that coal alone would in its transportation return an adequate remuneration to the stockholders in this road? particularly as we know that many proprietors of mines in this country and in Europe have been, themselves, at the sole expense of constructing rail-roads to them, and have found it a profitable expenditure.

However, permit us to extend our views a little farther. The pig metal of Pennsylvania is known to be equal in quality to any other in the United States, (the Scotch metal is superior, being made with coke,) for casting into stoves, hollow ware, machinery for mills, factories, &c. and large quantities of it are annually hauled to the state of New York, along the superlatively wretched road leading from this place to Elmira. To what amount, then, the demand for this article would arise, upon so great a diminution in its cost occurring, as would necessarily follow so great a difference in the reduced cost of its transportation, your committee are at a loss to say; but believe it would also furnish a very material article in the list of tonnage carried upon the road.

Bar iron, large quantities of which are at present, taken from this state to that of New York, by the same way, and mode of conveyance as before described, would also furnish no inconsiderable item among those articles which would yield an advantageous return to the rail-road company. And as a means of accommodation for the transportation of merchandise generally, including the heavy articles of Mackarel, Shad, Herrings, &c. to supply a great extent of country northward of us, this road will doubtless be extensively used.

Permit us now to inquire what inducements we can present to you, as furnished by the northern extremity of the road.

We would first, then, draw your attention to those improvements by rail-roads which are either in progress, or contemplated, between this and Philadelphia, and the intervening spaces and distances, which we fully believe, will, before many years shall have elapsed, be filled up. The rail-road from Sunbury to Pottsville is now in train for construction; the stock has been taken, and a resolution of the holders passed, requiring its commencement; this part of the road is 45 miles in length. The citizens of Reading are turning their attention seriously, to the construction of a rail-road from their borough to Philadelphia; and which they will, doubtless, shortly effect; this road will be about 55 miles long. Here, then, we have 100 miles of rail-road between Sunbury and Philadelphia; the whole distance being 130, leaves but 30 to be completed. We have what will, we presume be a good canal from Williamsport to Sunbury (40 miles) but which distance, should our contemplated rail-road be completed, will, no doubt, very soon be also *Rail-roadized*. Thus with 70 additional miles, from Elmira to Philadelphia, we shall have an unbroken communication, by rail-road, from that point (Elmira) to Philadelphia. And who will venture to say that the road from Sunbury shall stop at Pottsville? or, should ours be constructed, that it shall terminate short of Sunbury?

Then, with this project in view, we have a great portion of the trade of the western part of the state of New York; of the inland seas stretching from the falls of Nia-



gara, to the lake of the Woods; and, of that extent of empire, which reaches from the St. Lawrence on the east, to the Rocky Mountains on the west.

The grounds upon which your committee have arrived at this conclusion, are these: The plain principles upon which the utility of all improvements, similar to that we now have under our notice, are advocated, are in our favor, viz: *time* and *distance*. The trade of the almost boundless country to which we have referred, is now the property of the city of New York, without a rival; but, connect Elmira with Williamsport, Sunbury, Pottsville, Reading and Philadelphia, and the distance thus from Montezuma—which is at the confluence of the Elmira and Seneca lake, (Chemung) and the Erie canals—to Philadelphia, will be about 318 miles; whereas from Montezuma, by the Erie canal and North river to New York, is 360 miles; thus making a difference, in our favor, of 42 miles, in point of distance. But 260 miles of our 318 being Rail-road, the gain in point of *time*, will be immense. The distance by rail-road (260 miles) may be passed in less than one day, at a rate of speed not exceeding 12 miles an hour—which it is well known is less than one-third of that at which Locomotive engines have travelled—whereas Montezuma being 200 miles from Albany, by canal, that distance alone, would require from 6 to 8 days to pass it.

However, should no connection by Rail-road ever be effected between Williamsport and Sunbury, or between Pottsville and Reading, we shall not lose an advantage either in *time* or *distance*.

But casting away all such calculations of increased trade from the north, let us see what inducements are offered to construct this road, by the trade from that quarter, a portion of which now seeks an outlet this way for a market.

The article of Plaster or Gypsum, which is furnished so abundantly at the mines, in the state of New York, would form no inconsiderable one on the list. We believe that this, as well as all other heavy articles now sent from the western part of the state of New York, either by land conveyance down Lycoming creek (the contemplated route for this road,) or by water down the Tioga and Susquehanna rivers, would be transported along this road, for these manifest reasons. The distance from Elmira to Sunbury by the river, and North Branch canal, is 170 miles; and by the rail-road to Williamsport, and thence by canal to Sunbury will be but about 115 miles, making the vast comparative difference of 55 miles. And, as the rail-road may be passed, at a very moderate calculation, at the rate of 12 miles per hour, this will require 6½ hours on it, and, say 2 days on the canal; whereas, by the Tioga and Susquehanna rivers and canal—all risks from dams, &c. being inclusive—the time consumed in arriving at the same point (Sunbury) would not be less, perhaps, than 8 days; thus making a difference, in point of *time*—and consequently of expense also—of about 5 or 6 days.

We then find that the plaster, salt, pot and pearl ashes, wheat, flour, clover-seed, flax-seed, beef and pork, &c. afforded by a very extensive and wealthy agricultural district, will, by the unfailing inducements of economy in time, and expense, and also, by those of convenience and profit, be led into this channel in seeking a market, in preference to the comparatively, very circuitous, and expensive courses they have hitherto taken.

It is notorious that the timber and lumber trade, has become an object of much greater interest, within a few years, than it was, which must, mainly, be attributed to its scarcity along the navigable streams. This road, then, would open a country of, perhaps, not less than 4 or 500 square miles—8 or 9 wide, by 60 long—in extent, abounding with Pine, Oak, and other valuable forest trees, to this very useful, and to the road, and country, profitable trade.

In England, Rail-road waggons have been constructed, and in use for some time, calculated to transport

sheep and swine in them to a distant market. And *there* also, are preparing wagons for the transportation of horned cattle. Here, then, will be an article of no trifling amount, in point of tonnage; and of much greater in point of benefit, to the western part of the state of New York. By possessing this mode of conveyance, graziers may prepare their cattle at *home* for the knife of the butcher, and the table of the epicure; which they are now unable to do because of the distance from market, and consequent fatigue of the animal, before reaching the place of its destination. Let us then accommodate Broad horn with a wagon to ride in; and save him the accustomed travel, on foot, of from 6 to 10 days; and also the pain of crippled feet; or, perhaps death from eating laurel, or wandering astray in the mountains.

In the transportation of live stock upon this Rail-road, perhaps as much as in any other particular, the city of Philadelphia, and indeed the inhabitants of the intermediate towns, would be benefited. Pasturage, and coarse grains being low, in the western part of the state of New York, and the cost of taking cattle, sheep, and swine to market very much reduced, the price of beef, mutton, and pork must experience a corresponding reduction. And, that our road could be used for transporting live stock upon, cannot be questioned. Who would drive an ox, a sheep, or a hog to market, to remain 6 days on the way, at the expense of 5 or 6 dollars when, for 50 cents, or less, the owner and his animal, may be transported the same distance in 6 or 7 hours?

The conveyance of passengers, also, upon all Rail-roads yet constructed, for general purposes, has been a very material source of remuneration to the stockholders. And, when we take into view, that this road will form a great connecting link between the eastern and middle, and several of the western states, as the present natural road—on its designated location—does; the revenue to be derived from this source, must be presumed to be very considerable.

Again, the contemplated route of this road was, in part, that selected during the last war, upon which the line of express mails between Washington, Buffalo, Sacket's Harbor, &c. was established; and also, that by which many detachments of the United States' troops then passed, with all their military equipage, to the Canada frontier, this route being the most direct possible, from Washington to the Canadas. May not the United States' authorities be, therefore, induced to use this road in the conveyance of their troops, their cannon, and other military equipments and supplies?

A very great inducement, again, in the estimation of your committee, for the construction of this road, should be, the encouragement that will be thereby given to the erection of iron works along the line of it; such as furnaces, forges, rolling and slitting mills, nail factories, and all other establishments for the manufacture of iron; as steam engines, chain cables, anchors, machinery for mills and factories, and other heavy articles, a first object in encouraging the establishment of which is, an abundance of the article used in the manufacture, at a low rate; and a second, and indispensable one is, a cheap, and expeditious mode of conveyance to market.

It is notorious that the manufacture of iron, in England, at so low a cost as to pay a considerable duty, and bear the heavy expense of transportation to this country, and yet be afforded here at a less price, than we can make it, does not so much depend upon the lower rates of wages there than here,—for we have in some measure an equivalent for that in the cheaper mode of subsistence—as it does in this, that the English furnaces are erected almost in contact with their Bituminous coal mines; and their ore is found, often, in alternate strata with their coal; so that one single laborer will effect as much in one day, towards furnishing ore, and fuel, for a furnace, in such a location, as four or five men can in the process we pursue, of chopping timber, cording, hauling, stacking, coaling, and then hauling



again; and in striping, drifting, or sinking shafts and mining the ore; and let it be observed, also, that horses, wagons, and their attendant great expenses, are, at the English furnaces, -forges, &c. comparatively almost entirely dispensed with. Now there are, at this moment several beds of iron ore, apparently extensive, known near to the route of this road; and at some of them, coal is located almost in contact with the ore. It is, moreover, notorious, that, in many places throughout the whole range of the Allegheny mountains—through which, entire, this road is designated to pass—iron ore is scattered profusely upon the surface of the ground; but, it is also well known, that little search, by boring, or digging has yet been made for it.

Then the carrying of this road, and of all similar ones through, or into the region of the Allegheny, will not only induce the erection of such iron establishments as require a cheap conveyance for the manufactured articles, and thus yield an adequate return for the sums invested by the stockholders, but, will have the effect of increasing the numerous products of agriculture by the markets thus furnished for them; and moreover, will do more to bring our iron establishments into fair competition with those of England, than any protecting duties can effect; and thus, indeed, be of national advantage.

Manufactories of various other kinds, we cannot doubt, will also be established along the line of this road. We have hitherto been accustomed to locate those requiring great power to put them in operation, just where a location, furnishing such power, may be had; submitting to many unpleasant disadvantages, otherwise attendant upon such location. This will not be the case where fuel can be procured at a cheap rate; and when the superior advantages, and power of machinery propelled by steam, become generally and properly understood. Location, in England, is selected with a view to the advantage yielded by surrounding circumstances; and, *there*, machinery is put in operation on a hill, or in a valley, as the interests of the proprietor may require. Factories, then, using a heavy raw material, and sending off packages of considerable bulk, and weight, will be established, doubtless, along this line; for, to many such, a distance of 20, 30, or 40 miles, which may be possessed in 2, 3, or 4 hours, and at a small expense, will be no object; particularly where counterbalanced by many, and superior advantages.

In conclusion we find that, in England, where the railroad system has been more extensively tested than any where else, an act of Parliament has recently been passed authorizing the bed of a canal located in one of the most wealthy, populous and manufacturing districts in that country to be converted into a rail road. Therefore, with this very satisfactory additional proof of the utility of these roads; and under the very flattering prospect of entire satisfaction to the stockholders, we take pleasure in offering for your approval the following resolutions.

Resolved, That we esteem, and highly approve the wisdom, spirit and energy with which the citizens of Elmira, in the state of New York, have originated, and are pursuing to completion, the plan of connecting the Grand canal, of the state of New York—through that branch of it called the Chemung canal—with the West Branch Pennsylvania canal—by means of a rail road at Williamsport.

Resolved, That a committee be now appointed to correspond with one at Elmira; to draft petitions, similar to theirs; procure signatures, and present them to the legislature of Pennsylvania, desiring that body to pass an act authorizing the incorporation of a company to carry into effect the object of this meeting.

The gentleman appointed in accordance with the requisition of the second resolution, were James Armstrong, James Hepburn, Jacob Grafius, John H. Cowden, Henry Sproul, Robert Allen, Samuel Humes, A. V. Parsons and John K. Hays.

On motion, it was further resolved, that the report

presented to the committee be accepted, and ordered to be printed in the different papers of this county.

J. B. ANTHONY, Chairman.

WM. WILSON, Assist. Chairman.

JAMES ARMSTRONG, }  
ROBERT FLEMING, } Secretaries.

#### REPORT OF THE PRESIDENT AND MANAGERS OF

#### THE SCHUYLKILL NAVIGATION COMPANY, *To the Stockholders of the Schuylkill Navigation Company.*

According to their usual custom, the President and Managers present their Annual Report to the Stockholders.

The early arrival of the winter, sooner by several weeks than has been experienced for many years past, put a stop to the receipt of tolls, which would otherwise have increased those of the year just ended, to an amount, equal at least to those of the preceeding one, and also lessened the supply of coal by 15,000 or 20,000 tons, for which a ready market would have been found in addition to what has come down; the late period, too, of commencing the coal trade, had a serious effect upon the Company's income.

At the commencement of 1831, a very large quantity of coal was on hand from the business of the preceding year; the dealers, not anticipating the prodigious increase which has taken place in its consumption, were discouraged from again trying the market until a late period in the season, when a very active demand for coal satisfied them, that their industry would be fully rewarded.

The prospects for the present year, the Board have the pleasure to say, are of the most encouraging kind. The consumption of coal in 1831 has nearly doubled that of 1830, and bids fair to go on in an increased ratio; the following statement will show the contrast between the two years; and it will be seen from it that the Schuylkill coal has found a full degree of favour in the public estimation.

In the year 1830 the coal sent to market from the Schuylkill mines amounted to

	<i>Tons.</i>
	89,984
Of which it is estimated there was on hand when the trade recommenced in 1831,	20,000
Showing the consumption to be	69,984
During the same year the Lehigh sent down and had on hand from 1829,	42,790
And there was remaining in 1831,	10,572
Making the consumption of 1830,	32,218
The Lackawanna produced in 1830,	43,000
Of which there remained, at the end of the year,	30,000
Showing a consumption of	13,000
Making a total consumption in 1830 of	115,202
In 1831, the Schuylkill conveyed to market,	81,854
And there was on hand, as before mentioned,	20,000
Making the total consumption (none remaining)	101,854
The Lehigh sent	41,085
And there was on hand from 1830,	10,572
Making, as none remained,	51,657



The Laekawanna introduced	54,000
And there was on hand	30,000
Making together,	84,000
And it is estimated there is on hand,	11,000
Showing the consumption to be	73,000
And making the total consumption in 1831,	226,511

Being an increase in 1831, of 111,309 tons, and showing the consumption in that year to be nearly double that of 1830.

It is reasonable to suppose that the increase in 1832, will be at least as great as that of the preceding year, and that the demand for the current year will be nearly 350,000 tons, of which it is believed the Schuylkill will be required to supply its full proportion.

The public spirit and enterprize of many of our fellow citizens, have afforded facilities for a supply of coal by means of numerous Rail-roads, terminating at points upon our navigation, which will be beneficially felt in the current and future years. Among these may be named the Little Schuylkill Rail-road, extending from Port Clinton to Tamaqua, - - - 22 miles. The West Branch or Schuylkill Haven, 15 " Mount Carbon, - - - 8 " Schuylkill Valley, - - - 11 " Mill Creek, - - - 3 "

In addition to these roads, the Board have the pleasure to state that the important work alluded to in their last Report as in contemplation, (the Rail-road from Pottsville to Danville and Sunbury) has been commenced, and from the subscription obtained there can be no doubt will be completed at no very distant period of time, thus adding another link to the chain of business gradually extending to our works.

The remaining branches of the Company's revenue, arising from sources other than the transportation of coal, will be found quite equal to the expectations derived from former experience. The extension of the works of the state will every day increase the income by throwing into our navigation a portion of their trade.

The works which were in progress at the date of the last Report have since been nearly completed and put into operation, excepting the locks at the Dunean Canal outlet, which were delayed by the high state of the water all the last season, preventing the excavation of the lower lockpit and the channel below it to the river, and excepting also the locks at the mountain. Both, however, are now nearly finished, and it is expected they will be in operation by the 1st of May next. The new locks at Althouse's and Mohr's on the Hamburg Canal, it is believed will be in operation by the same time.

The Weigh lock at Schuylkill Haven has been found to be of very great advantage, and the new Rail-road on the Little Schuylkill, the outlet of which is at Port Clinton, will render necessary, also, a weigh-lock at the Kernsville Canal. Measures have been taken to erect one during the present winter, contracts have been already made for that purpose.

In carrying into effect the provisions of the agreement mentioned in the last year's report respecting the Norristown dam, it was found that the terms of a perpetual lease of water for a mill upon the canal, interfered with the conditions of that agreement, and the mill being offered for sale by the sheriff, it was deemed best to purchase it in order thus to avoid the difficulties that were threatened. The property, after securing fully the privileges necessary for the Company, is now leased at a fair rent and will shortly be offered for sale.

A constant recurrence of the derangements to the trade upon the Reading Canal and consequent losses to the Company alluded to in the last report, as caused by the treacherous nature of the limestone

formation over which it passes, (rendered more alarming by the decay of the sleepers and planking upon which reliance had been placed) required the Board seriously to consider, whether the time had not arrived for a change of location.

The necessity for this consideration was more fully demonstrated by an examination of the four-combined locks in Reading, which were found to be effected by the same cause that had produced so much trouble and anxiety about the canal. It would have been obviously unwise to attempt to erect another set of locks alongside of them upon so bad a foundation, and yet it was manifest that some additional facility there, for the trade, would be very soon required.

The Board under these circumstances, after much serious deliberation, came to the unanimous conclusion, that it was necessary to resort to the location referred to in their last report, and sanctioned by the opinion of the Stockholders at their last annual meeting.

Having determined upon their course, in conformity with the wishes of the Stockholders, it was proper that as little time as possible should be lost, in carrying into effect so vital an improvement. Mr. George Dunean, a gentleman long and advantageously known by his services to the Company, was therefore engaged to superintend the work, part of which has been put under contract, and other parts are in progress under his direct management. It is hoped and believed that the work will be completed by the 1st of November next.

An estimate of the sum required to meet this extraordinary expenditure, and defray the expenses of other improvements now in progress, is herewith submitted. It is suggested that the money should be raised by loan, the former loan authorized by the Stockholders on the third of January last having been obtained on very favorable terms, that is to say—

\$150,000, at 4½ per cent.

50,000, 5 do.

payable on the 1st of January, 1850.

The holders of that part of the Company's six per cent. loan, who had the right of converting the same into the Company's stock previous to the 15th of November last, have all availed themselves of that privilege, and have accordingly converted

\$180,000 of the loan of 9th August, 1824; and

53,250 do. 20th October, 1823.

It has never yet happened that the navigation has been suspended by the want of water, although in some of the very dry seasons, within a few years past, a considerable deficiency has been experienced near the head of the works during two or three months in the fall. Apprehensions have been felt by many persons, largely concerned in the trade, that with the increase of business, increased embarrassment would be likely to arise from this cause, injuriously alike to the Company, and to those having occasion to use this channel of conveyance.

Repeated communications have therefore been made to the Board, urging very strongly the necessity of an early provision by reservoirs for supplying such occasional deficiencies. The Board have been fully aware of the importance of anticipating, and as far as possible preventing, an evil of so much consequence. After deliberate reflection and examination, Tumbling Run Valley was considered the proper and indeed the only suitable place for a Reservoir near the head of the Company's works, and an opportunity being offered of purchasing the ground necessary for the purpose, which might be for ever lost by delay, the Board determined to secure by purchase such a quantity of the land as with what was already owned by the Company extends about two miles up the Valley. They have thus obtained the command of positions for several Reservoirs of sufficient capacity, to contain a supply of water, more than adequate to meet any deficiency by droughts in the summer and fall. The quantity of land secured is upwards of 600 acres, which cost \$11,300.

It has been determined to erect one dam immediately,



near to the outlet of the Run into the Schuylkill. It will be made chiefly of earth, at a comparatively small expense; others will be erected as occasion may require. The construction of the one already determined upon, has been placed under the care of Mr. Duncan. It will be finished so as to be made available if necessary during the ensuing summer.

The following statements will further exhibit the business of the Company for the past year, and the President and Managers beg to refer to them as part of their report, viz:

The quantity of coal shipped from Mount Carbon, Schuylkill Haven, and other places on the Schuylkill, in 1831, including 2460 tons from the Union Canal, was

Tons 81,854

On which the amount of tolls, was, \$78,781 60

And the tolls received on articles of merchandize other than coal, amounted to 55,224 32

Making the whole amount of tolls received in 1831, \$134,005 92

Of these tolls the ascending navigation produced \$34,010 40

And the descending, 99,995 52

The whole tonnage conveyed on the Canal in 1831, amounted to Tons 196,413

Of which there was of the ascending trade, Tons 40,791

And of the descending trade, 155,622

Of the tolls received in 1831, there was collected from boats which entered the Union Canal, \$12,553 98

Boats coming from the Union Canal, 15,752 75

Making together, \$28,306 73

The amount of rents received in 1831, from real estate, and from ground rents and water rents, was

\$16,035 59

And the arrears amounted to 4,789 38

The income from rents in 1832, is estimated at \$15,207 00

The accompanying accounts, viz:

No. 1, exhibits the general statement of the affairs of the Company, showing the whole cost of the improvements, real estate, &c. the amount of capital stock paid, and the sums borrowed.

Nos. 2 and 3, exhibit the account of the articles and tonnage which ascended and descended the Navigation in 1831.

The Board have only to remark in conclusion, that the receipts for the year just ended, have not been equal to their expectations. This has been owing to two principal causes already alluded to, namely, the discouragement of the coal business in the early part of the season, which prevented the dealers for several months, from availing themselves to any considerable extent of the means of transportation, and the unusually early and severe frosts in the latter part of it, closing the Navigation by ice, some weeks before the ordinary period, and thus making it impossible to fill up the market, when it was ascertained, that there was a deficient supply and consequently an eager demand. The latter cause alone has been more than sufficient to account for the reduction, which has been found in the income from tolls compared with that of the preceding year. It is satisfactory to know that the falling off has not been owing to any defect in the works: and it is encouraging to perceive, that while the diminution of the trade in coal has been owing to occurrences in their nature rare or temporary, and not likely to be encountered in the same force again, it has at the same time served to afford the most decisive evidence of an increased and increasing consumption, and to establish that for the future, a much larger quantity will be wanted of that valuable mineral than has hitherto been furnished. With this plain ground of confidence, there is no reason to doubt that the trade will be

extended, in a ratio somewhat accelerated by the check it has received, and that the income of the Company will grow in the same proportion.

By order of the Board.

JOSEPH S. LEWIS, President.

Office of the Schuylkill Navigation Company,  
Philadelphia, January 2, 1832.

#### No. 1.

#### Statement of the Company's Accounts, January 1, 1832.

##### DR.

Capital Stock,	-	\$1,137,950 00
Capital of Loans converted,	-	233,350 00
Permanent Loans,	-	1,118,923 60
Toll Account,	-	72,280 60
Temporary Loan,	-	20,000 00
Rents,	-	2,550 64
		<u>\$2,585,054 84</u>

##### CR.

General Charges, being the Cost of the		
Works, including Real Estate,	\$2,486,225 39	
Current Expenses,	33,850 95	
Balance of Individual Accounts,	6,605 35	
Damage Account,	6,531 73	
Interest Account,	34,388 53	
Balance of Cash,	17,452 89	
	<u>\$2,585,054 84</u>	

#### No. 2.

##### Tonnage Ascending.

Merchandize,	-	8674
Fish,	-	2454
Salt,	-	2155
Plaster,	-	2345
Lumber,	-	9972
Grain,	-	628
Iron,	-	585
Blooms, Pig Iron, and Castings,	-	286
Limestone,	-	8306
Marble, and other Stone,	-	85
Iron Ore,	-	627
Bricks,	-	486
Wood,	-	259
Sundries,	-	1049
Stone, &c. passing Fair Mount Locks only,	-	2022
Coal,	-	858

Tons, 40,791

#### No. 3.

##### Tonnage Descending.

Coal,	-	81854
Flour,	-	10248
Whiskey,	-	1839
Lumber,	-	9470
Grain,	-	6251
Iron,	-	1649
Blooms, Pig Iron, and Castings,	-	2569
Nails,	-	1666
Limestone and Lime,	-	29319
Iron Ore,	-	1384
Bricks,	-	14
Butter,	-	276
Leather,	-	222
Wood	-	566
Sundries,	-	798
Stone passing Fair Mount Locks only,	-	4977
Marble, and other stone,	-	2033
Tobacco, Hemp, Cotton, &c.	-	187

Tons, 155,622



## MESSAGE OF THE GOVERNOR

AND

## COMMUNICATION OF THE CANAL COMMISSIONERS TO THE GOVERNOR,

In relation to the contractors upon the line of the Columbia and Philadelphia Rail Road—and also in reference to the inclined plane section of said road at Columbia. Read in Senate, January 4, 1832.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN,

Herewith transmit to the two Houses, copies of a communication received from the Board of Canal Commissioners in relation to the contractors upon the line of the Columbia and Philadelphia rail-road, and more especially to those on the Middle and Western Divisions of the same, and also in reference to the inclined plane section of said rail-road at Columbia, to which I would respectfully invite the immediate attention of the legislature.

Harrisburg, Jan. 3, 1832.

GEO. WOLF.

CANAL COMMISSIONERS ROOM, }  
January 2, 1832. }

His Excellency GEORGE WOLF,

Governor of Pennsylvania.

SIR—By order of the Board of Canal Commissioners, I have the honor of submitting to you, for the information of the legislature, the following statement.

The act of the 21st March, 1831, appropriates \$2,483,161 88 for certain purposes therein mentioned, and the 6th section of that act vests the sum appropriated in the Commissioners of the Internal Improvement Fund, to be applied by them to the repayment of a temporary loan of \$250,000, and to the payment of contracts necessary to finish work heretofore authorized; and the residue in the manner and for the purposes directed by that act.

On the 15th December, 1831, a statement was received by the canal commissioners from the treasurer of the board, of which the following is a copy.

TREASURY OFFICE OF PENNSYLVANIA, }  
December 5th, 1831. }

Amount of loan per act of 21st March, 1831,	\$2,483,161 88
Paid temporary loan, \$250,000	
Turnpike companies,	125,000
Interest on 1st August, 1831,	26,276 10
	401,276 10
	2,081,885 78

Paid on account of old work:

Abner Lacoek,	411 51
John Mitchell,	28 31
Board of canal commissioners,	4,000 00
Board of appraisers,	423 00
John Barber,	93,337 52
Samuel Jones,	135,000 00
James Taggart,	114,239 57
James P. Bull,	58,100 00
William B. Mitchell,	40,000 00
Lord Butler	28,900 00
Amount yet required	70,000 00
	544,439 91

\$1,537,445 87

Appropriated. Pro. rata.

Columbia and Phila. rail-road,	\$600,000	\$491,675 64
Columbia canal to Middletown,	116,170	95,196 58
Juniata and portage,	700,000	573,621 52
West Branch,	200,000	163,891 86
North Branch,	100,000	81,945 98
Beaver,	100,000	81,945 98
French creek,	60,000	49,168 31

\$1,876,170 \$1,537,445 87

By the foregoing statement, the board were apprised that \$1,876,170, which had been specifically appropriated "towards the expenditures" or new lines "during the present year," was reduced, by "payments of contracts necessary to finish work heretofore authorized," to \$1,537,445 87; hence it became evident that the appropriation to some of the lines must soon be expended.

The anxiety of the canal commissioners to avoid an infraction of the 7th section of the act of March 21st, 1831, which prohibits them from "incurring debt on the faith of the state, in any way or manner, beyond the appropriation," induced them to pass resolutions,

1st. Dividing the \$373,621 52 applicable to the Juniata division and the Portage rail-road, between those lines in proportion to the amount of work under contract on each of them—being \$304,397 52, to the Juniata division, and \$269,234 to the Allegheny portage rail-road.

2d. Directing the superintendent on the Columbia and Philadelphia rail-road, to set apart and retain, from the special appropriation to that line, such a sum as would be necessary to pay contracts then existing, for the iron for said road, and for the twenty miles of the road, west from Philadelphia, under contract; and,

3d. That notice should be given to the several superintendents of the unexpended balance of the appropriation, applicable to their lines; and that they should in due time notify the contractors thereof, so as to avoid incurring a debt on the faith of the state.

A few days since, letters were received by the board, from the superintendent upon the Columbia and Philadelphia rail-road, stating that in conformity with the resolutions of the board, he had "found it necessary immediately to give notice to the contractors upon the middle and western divisions of the rail-road;" and he adds that the contractors upon the line "will be thrown into great distress, and under present circumstances all the contractors except those on the twenty miles, will stop work—their horses, carts, and men will be scattered, and when the work shall be ordered to go on again it will be hard to collect them. It is sincerely to be regretted that the grading cannot be prosecuted.

"The whole amount expended under new contracts of every description, is about \$285,000 00  
Contracts for iron, say \$120,000—\$10,000  
of which is paid, 110,000 00

\$395,000 00

Leaves balance to be expended on 20 miles, 96,675 00

\$491,675 00

"It will however be proper further to observe, that the per centage due on the middle and western divisions, is \$33,523; and that an estimate on work done since the first of December, will be about \$30,000.

"The inclined plane section at Columbia, will be in a deplorable situation; the embankment of the road way along the shore has been put in, and the contractors were vigorously prosecuting the work with 40 carts and 60 or 70 men, in order to secure the embankment by a slope made down to the wharves, which have recently been constructed; and which would have been entirely secured before the breaking up of the river in the spring: but if left in the situation it is now in, will be damaged to the amount of several thousand dollars, to the loss of the commonwealth. \$5000 would secure the embankment, and it is more than probable that if left, \$5000 will not repair the damage. Many of the contractors have a large force on hand, and have laid in their winter provisions, and to stop operations will be very ruinous. Under present circumstances we cannot lay out any part of the \$110,000 for the iron until the Delaware opens, and at any rate but a small portion of it would be paid until towards spring."

The Canal Commissioners have, since they received the above letters, passed resolutions directing the superintendent of the Columbia and Philadelphia rail-



road to have the work which has been done in the month of December, estimated and paid in the usual manner; and to retain as much of the appropriation as will cover the retained per centage; and the contracts for the iron; leaving the residue of the appropriation applicable to the twenty miles west of Philadelphia.

The Board sincerely hope that immediate provision will be made by the legislature, for continuing the operations on this important branch of the public improvements: either by a further appropriation, or by an authority to use the unexpended balance of the present appropriation along the whole line of the rail-road. This latter method would keep the work in as active progress as the winter will permit, until some time next spring.

The Board avail themselves of the present occasion, to state that unless a fund be soon provided for repairs, the finished portions of the canal cannot all be put in such a condition as to secure an active use thereof early next season.

JAMES CLARKE, *President*  
of the Board of Canal Commissioners.

#### REPORT OF THE

### COMMISSIONERS OF THE INTERNAL IMPROVEMENT FUND.

Read December 14, 1831.

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

In compliance with the provisions of the 1st section of the act of 1st April, 1826, and the 2d section of the act of 4th April, 1831, the commissioners of the internal improvement fund respectfully submit the following report:

On the 7th February, 1831, the commissioners reported the condition of the internal improvement fund up to 1st February, 1831. The present report therefore commences at that time, and exhibits the receipts and payments up to the 1st instant, embracing a period of ten months.

On the 1st February, 1831, the commissioners had no funds applicable to the construction and incidental expenses of the Pennsylvania canal and rail-road. The act of the 21st March, 1831, authorized a loan of \$2,483,161 83, to be applied to those purposes; and the act of 30th March, 1831, authorized a further loan of \$300,000 applicable exclusively to repairs on the canal and rail-road, to damages, and to the payment of the salaries of sundry officers attached to the canal. This last appropriation has been received in full, and applied as follows:

Paid to the treasurer of the board of canal commissioners,	\$290,000 00
Paid salaries of toll collectors and lock keepers,	9,031 77
Balance on hand to be applied to lock keepers,	968 23
	<hr/>
	\$300,000 00

It has been ascertained that this appropriation was inadequate to cover the objects intended. The great extent of new lines of canal which had to be tested by letting in of water for the first time, together with the extraordinary freshets during the early part of the season, increased the expenditure for repairs much beyond any reasonable calculation. Many claims for damages, and disbursements for repairs remain yet unliquidated.

The loan per act of 21st March, 1831, was received by instalments, the first amounting to \$700,000, and each of the others to ten per cent. on the aggregate loan. In this manner the sum of \$1,693,264 72 has been borrowed, leaving a balance of \$789,897 11 yet to be received, one instalment of which will probably be required about the 1st of February, and the balance

on or before the first of April next. The amount borrowed has been disposed of as follows:

Repaid temporary loan, per act of 12th January, 1831,	\$250,000 00
Repaid temporary loan in anticipation of the loan per act of 21st March, 1831,	230,000 00
Paid to the state treasurer amount appropriated to sundry turnpike road companies, per 4th section of the act of 21st March, 1831,	125,000 0
Amount taken to supply the deficiency in the interest fund, on 1st August, 1831, per 2d section of the act of 30th March, 1831,	26,276 10
Amount paid to the treasurer of the board of canal commissioners,	1,061,988 62
	<hr/>
	\$1,693,264 72

The temporary loan of \$230,000 was considered essential to the vigorous prosecution of the public works, especially as the negotiation of the permanent loan was necessarily attended with some delay, during which time the contractors must have laboured under great pecuniary embarrassment, and the proper execution of their contracts been neglected. The Governor therefore believed it to be his duty, under the power vested in him by the act of 21st March, 1831, to anticipate a portion of the loan, and apply it without delay to the judicious advancement of the public improvements.

The following are the aggregate payments made to the treasurer of the board of canal commissioners, during the period which this report embraces:

Temporary loan in anticipation of the loan per act of 21st March, 1831,	\$230,000 00
Part of loan per act of 21st March, 1831,	1,061,988 62
Part of loan per act of 30th March, 1831,	290,000 00
	<hr/>
	\$1,581,988 62

This aggregate of \$1,581,988 62 corresponds with the appropriations of the last session, as appears by the following calculation:

Amount appropriated per act of 21st March, 1831,	\$2,483,161 83
Amount appropriated per act of 30th March, 1831,	300,000 00
	<hr/>
	2,783,161 83
Deduct amount not received of loan per act of 21st March, 1831,	789,897 11

Amount of appropriations received into the fund,	1,993,264 72
Deduct temporary loan per act of 12th January, 1831, repaid,	\$250,000 00
“ amount paid to turnpike companies,	125,000 00
“ amount taken for the payment of interest,	26,276 10
“ amount retained for the payment of the salaries of toll collectors and lock keepers,	10,000 00
	<hr/>
	411,276 10
Balance for canal purposes,	<hr/>
	\$1,581,988 62

The following summary exhibits the whole amount paid to the commissioners of the internal improvement fund, applicable to canal purposes, from 1st February, to 1st December, 1831, and the manner of its disbursement, from which it appears that a balance of \$968 23 remains in their hands, to be applied to the payment of the salaries of toll collectors and lock keepers, under the provisions of the act of 30th March, 1831.



## RECEIPTS.

Temporary loan in anticipation of the loan per act of 21st March, 1831,	\$230,000 00
Part of loan per act of 21st March, 1831,	1,693,264 72
Loan per act of 30th March, 1831,	300,000 00
	<u>\$2,223,264 72</u>

## PAYMENTS.

Treasurer of the board of canal commissioners,	\$1,581,988 62
Repaid temporary loan per act of 12th January, 1831,	250,000 00
Repaid temporary loan in anticipation of the loan per act of 21st March, 1831,	230,000 00
Paid to the state treasurer amount appropriated to sundry turnpike road companies, per 4th section of the act of 21st March, 1831,	125,000 00
Paid salaries of toll collectors and lock keepers, under act of 30th March, 1831,	9,031 77
Amount taken to supply the deficiency in the interest fund on 1st August, 1831, per 2d section of the act of 30th March, 1831,	26,276 10
Balance on hand on 1st December, 1831,	968 23
	<u>\$2,223,264 72</u>

The transactions in the fund immediately connected with the payment of interest on the several canal loans, will appear by the following:

On the 1st February, 1831, a balance of \$6,106 57 remained in the fund applicable to the payment of interest, to which was added by transfers from the state treasury, agreeably to the several acts regulating the internal improvement fund, in the month of May, \$42,000, and in July \$209,078 76, making an aggregate of of \$257,185 33. Out of this sum, however, had been paid \$3,507 51, interest on temporary loans, and \$4,850 19, salary of toll collectors, and lock keepers, under a resolution of the legislature of 8th January, 1830, and an act of assembly, entitled "An act directing the Auditor General to settle the accounts of certain collectors of toll and lock keepers on the Pennsylvania canal," approved 30th March, 1831, which left only a balance of \$248,827 63 for the payment of interest due on 1st August, 1831. The interest payable on that day at the Bank of Pennsylvania, amounted to \$275,103 73. The deficiency of \$26,276 10 was supplied out of the loan per act of 21st March, 1831, agreeably to the provisions of the 2d section of the act of 30th March, 1831. Other transfers and disbursements have been made since the 1st August last, which left a balance in fund on the 1st instant, amounting to \$94,354 78, as appears from the following general statement of receipts and payments:

## RECEIPTS.

Auction duties,	\$93,305 90
Premiums on loans,	119,595 88
Dividends on bridge, canal and turnpike, stock,	31,013 12
Collateral inheritances,	17,063 51
Escheats,	20 00
State treasury per act of 22d April, 1829,	50,000 00
Canal tolls,	35,365 81
Amount taken of loan per act of 21st March, 1831, per 2d section of the act of 30th March, 1831,	26,276 10
Balance in fund on 1st February, 1831,	6,106 57
	<u>\$378,746 89</u>

## PAYMENTS.

Interest on temporary loan, per act of 12th January, 1831,	\$2,968 75
Interest on temporary loan in anticipation of the loan per act of 21st March, 1831,	538 76
Interest on loan of 1826,	7,500 00
" 1827,	25,000 00
" March, 1828,	50,000 00
" December, 1828,	20,000 00
" April, 1829,	55,000 00
" December, 1829,	5,062 50
" March, 1830,	100,000 00
" 21st March, 1831,	11,445 58
" 30th March, 1831,	1,145 65
Salaries of toll collectors and lock keepers, per resolution of 8th January, 1830, &c.	5,730 87
Balance in fund on 1st December, 1831,	94,354 78
	<u>\$378,746 89</u>

The commissioners have prepared an estimate of the probable deficiency of the interest fund on the 1st February and 1st August next, which exhibits an aggregate of \$197,234 88. Estimates of this description, however, cannot be made with any great degree of certainty, and appropriations to cover them should contain some provision to guard against contingencies. Canal tolls, especially are as yet a very uncertain source of revenue. In the report of 7th February last they were estimated at \$75,000; and the receipts of the first quarter, amounting to about \$20,000, make it evident this estimate would have been realized, if not exceeded, if extensive injury had not been done to the canal by excessive freshets. This year the tolls are estimated at \$150,000, of which \$75,000 will probably be received in time to be applied towards the payment of interest on the 1st August next, unless indeed, some extraordinary accidents should happen to the canal, against which the commissioners can make no calculation. It is however presumed that this estimate is within the bounds of probability, as we have a navigable line of canal exceeding that of last year, by nearly one hundred and eighty miles, all of which received permanent and complete repairs during last summer.

## ESTIMATE.

Balance in state treasury on 1st Dec. 1831,	\$80,005 86
Add probable excess of revenue over expenditures for Dec. 1831, and Jan. 1832,	196,810 59

Estimated balance in treasury on 31st January, 1832, 276,816 45 |

Interest on canal loans, payable on 1st February, 1832, viz.

On loan of 1826,	7,500 00
" 1827,	25,000 00
" March, 1828,	50,000 00
" December, 1828,	20,000 00
" April, 1829,	55,000 00
" December, 1829,	5,062 50
" March, 1830,	100,000 00
" 21st March, 1831, estim'd.	37,500 00
" 30th March, 1831,	6,485 10
	<u>\$306,547 60</u>

To meet this payment, take the balance in fund on 1st December, 1831, 94,354 78 |

Take out of the treasury, including revenue pledged for the payment of interest, 170,953 95 |

265,308 73

Estimated deficiency on 1st February, 1832, 41,238 87 |



Amount taken out of the treasury as above, 170,953 95

105,862 50

Deduct interest payable at the treasury, on the loans of 1821, 1824, 1825, and loans from certain banks, per act of 1st April, 1826, 45,862 50

Estimated balance in the treasury, on 1st February, 1832, 60,000 00

Add probable excess of revenue over expenditures for February, March, April, May, June and July, 1832, 102,494 85

Probable receipt of canal tolls, 75,000 00

177,494 85

Estimated balance in the treasury, on 31st July, 1832, 237,494 85

Interest on canal loans, payable on 1st August, 1832, viz.

On loan of 1826, 7,500 00

" 1827, 25,000 00

March, 1828, 50,000 00

December, 1828, 20,000 00

April, 1829, 55,000 00

December, 1829, 5,062 50

March, 1830, 100,000 00

21st March, 1831, estim'd. 57,565 86

30th March, 1831, 7,500 00

To meet this payment, take out 327,628 36

of the treasury, including revenue pledged for interest, 171,632 35

171,632 35

Estimated deficiency on 1st August, 1832, 155,996 01

65,862 50

Deduct interest payable at the treasury as above, 45,862 50

Estimated balance in the treasury, on 1st August, 1832, 20,000 00

The commissioners, in forming this estimate, have not calculated on any receipts from the revenue laws of last session, as it is doubtful whether any payments will be made into the treasury prior to the 1st August next, the county treasurers nor being required to pay over until the 1st September in each year. Neither have they calculated on the payment of interest on loans that may be authorized during the present session, as it is presumed a premium can be obtained, more than sufficient to pay such interest, for the time which the estimate embraces.

All of which is respectfully submitted.

SAM'L. M'KEAN,

DAN'L STURGEON,

A. MAHON.

Harrisburgh, December 13th, 1831.

## PROCEEDINGS OF COUNCILS.

MONDAY, JAN. 9th, 1832.

The following letter from the Mayor of the city enclosing the annexed communication from the Executors of the late Stephen Girard, was received.

MAYOR'S OFFICE,

Philadelphia, Jan. 9, 1832. }

To the President of the Select and Common Councils.

Gentlemen,—I transmit you a communication from the Executors of the late Stephen Girard, with a certified copy of his will and rent roll of certain real estate, all of which have been handed me by the Executors.

Measures for the collection of rents now due, and for renting the untenanted houses may claim your early attention. Very respectfully, your ob't serv't,

B. W. RICHARDS.

PHILADELPHIA, Jan. 7th, 1832.

SIR—The undersigned, executors of the last will of Stephen Girard, late of this city, deceased, respectfully present to you a copy of that instrument, for the information of "the Mayor, Aldermen and citizens of Philadelphia."

As the city of Philadelphia is entitled to receive the rents; which became payable, after the decease of the testator, from that part of his real estate, which passed to the city under his will, the undersigned at present furnish a statement, shewing *first*, certain real estate in the city and liberties of Philadelphia, which passed to the city, under the will, for which rent has become due since the decease of the testator, *secondly*, the names of the tenants, and *lastly* the amount of rent due by those tenants respectively. In future communications, the undersigned will present such further information, as it may be their duty to make known, in order that the intentions of the testator may be faithfully carried into execution.

Aware that the action of the legislature of Pennsylvania will be necessary to enable the city of Philadelphia to execute some of the trusts created by the testator, and, consequently, to enjoy his munificent bounty, the undersigned embrace the earliest opportunity to present this communication, and will be glad to co-operate with the corporation of Philadelphia, in all measures calculated to confer upon the community the benefits which the testator so anxiously desired they should possess. With respect, your ob't. servants,

TIMOTHY PAXSON,

THOS. P. COPE,

JOSEPH ROBERTS,

W. J. DUANE,

JOHN A. BARCLAY.

To BENJ. W. RICHARDS, Esq.

Mayor of Philadelphia.

Mr. DUANE offered the following resolution, which which was adopted by both Councils; and Messrs. Duane, Lippincott, Massey, Petit and Scott, of the Select Council, and Wetherill, Okie, Sullivan, Moss and Page, of the Common Council, were appointed the Committee.

*Resolved*, That a committee of five members of each Councils, including the Presidents thereof respectively, be now appointed, whose duty it shall be, in conjunction with the Mayor and City Solicitor, who are hereby requested to act, to consider and report, at the next stated meeting of Councils, and at succeeding meetings if needful, what measures ought to be adopted, in order that the Mayor, Aldermen and citizens of Philadelphia, may promptly and faithfully execute the trusts created by the late Stephen Girard.

At an election by the Select and Common Councils, held yesterday afternoon, the following gentlemen were elected directors of the Public Schools for the first section of the school district of the state of Pennsylvania:

Benj. W. Richards

John Steele

Thomas Dunlap

Henry M. Zollickoffer

James Carstairs

Charles E. Cathrall

Wm. W. Fisher

George Fox

Thomas G. Hollingsworth

Wm. Wharton

Richard Price

Robert O'Neill

A. Randall

T. A. Alexander

Benj. Miffin

Thomas Phipps

Stevenson Smith

Geo. M. Wharton

Charles Hedelius

Wm. P. Smith

Samuel Paton

John H. Campbell

J. K. Hassinger

Wm. Duane, jr.

Joseph Patterson

Job. R. Tyson

Wm. H. Furness

Francis Cooper

Wm. L. Bechtel

J. A. Phillips

Joseph Yeager

Pearson Serrill

James Gowan

Wm. Vogdes

B. S. Bonsall

Wm. Staveley.



## GIRARD BANK.

At a large and respectable meeting of the Merchants, Manufacturers, and others, of the city of Philadelphia, at the Merchants' Coffee House, on Saturday afternoon, at 3 o'clock, held in pursuance of public notice, BENJAMIN W. RICHARDS, Esq. Mayor of the city, was called to the Chair, and MATTHEW NEWKIRK and SAMUEL C. FORD, were appointed Secretaries.

The object of the meeting having been stated from the Chair, the following preamble and resolutions were offered by Alexander McClurg, Esq. and unanimously adopted:—

*Whereas*, The death of our lamented fellow citizen, STEPHEN GIRARD, Esq. has suddenly deprived this community of an extensive capital, so judiciously employed by him in banking operations; and, *whereas*, the withdrawing so large a sum at once, from circulation, even at a time when money was in the greatest abundance, would subject many persons to much difficulty and great embarrassment, which is rendered more severe and oppressive at the present time, when the demand is well known to be greater than for many years past; therefore,

*Resolved*, That in the opinion of this meeting, it is of the utmost importance to Merchants, Manufacturers, and all others, interested in the trade and prosperity of this city and adjoining districts, that a Bank be established with as much promptness as may be expedient, and with a Capital fully adequate to supply the deficiency.

*Resolved*, That a Committee, to consist of twelve persons be appointed to draft a Memorial to the State Legislature, setting forth the great want of Banking Capital experienced especially at the present time and respectfully praying them to grant a Charter, incorporating a new Bank, with a capital of *three millions of dollars*.

*Resolved*, That the Bank shall be called the *Girard Bank of Philadelphia*.

*Resolved*, That the Committee appointed have full power to fill vacancies, add to their numbers, procure signatures to the Memorial, and attend to such other matters as may be necessary to carry the object of this meeting into effect.

*Resolved*, That the Chairman and Secretaries be added to the Committee.

*Resolved*, That the Chairman appoint the Committee.

The following gentlemen were then appointed, in connection with the Chairman and Secretaries, to constitute the Committee, viz:

Benj. W. Richards,	John S. Riddle,
Matthew Newkirk,	J. Price Wetherill,
Samuel C. Ford,	Wm. McGlensy,
Thomas M. Pettit,	Chas. W. Churchman,
Thomas C. Rockhill,	Alexander McClurg,
Richard D. Wood,	Robert Earp,
Daniel Groves,	David S. Brown.
Joseph Burden,	

*Resolved*, That the proceedings of this meeting be signed by the Chairman and Secretaries, and published in all the daily papers of this city.

The meeting then adjourned.

B. W. RICHARDS, Chairman.

MATTHEW NEWKIRK, } Secretaries.  
SAMUEL C. FORD, }

The Committee met at 7 o'clock. P. M. at the Merchant's Coffee House, and organized, and in pursuance of the power invested in them, in the 4th Resolution, appointed the following gentlemen to co-operate with them:—

John A. Brown,	John W. Odenheimer,
James Schott,	Samuel Comly,
J. K. Kane,	Alexander Ferguson,
A. G. Ralston,	Jas M. Linnard.
W. D. Lewis,	George Handy.

At a large and respectable meeting of Merchants, Manufacturers, Mechanics, and others, (opposed to the

proceedings of the meeting held at the Merchants' Coffee House on Saturday last,) held at the County Court-house, on Wednesday afternoon, for the purpose of memorializing the legislature for a charter for a Bank, to be called the Girard Bank, JOHN LISLE was called to the Chair; ALEXANDER COOK and Col. JOHN THOMPSON were appointed Vice Presidents, and C. Macalester, Jr. and Miles N. Carpenter were appointed Secretaries.

Mr. Laussat moved the following resolutions, which were unanimously adopted.

*Whereas*, The late meeting at the Merchants' Coffee House was held at a time unusually early, without allowing the ordinary and expected delay, its proceedings were precipitated, and the various interests vitally concerned in its objects had not a full opportunity accorded them of being represented therein; and whereas the amount of three millions of dollars, designated as a capital by the said meeting—though undoubtedly required by the wants of the community in various parts of our city and county—is unusually and unnecessarily large for a *single* institution.

*Resolved*, That we, the Merchants, Manufacturers, Mechanics, Traders, and others, of the city and county of Philadelphia, here assembled, agreeing in the general objects of the former meeting, do nevertheless, disapprove of the *manner* in which it was conducted, and are opposed to its proceedings.

And whereas, the dissolution of the Bank, lately conducted with so much usefulness to the public, by our lamented fellow citizen, Stephen Girard, has suddenly, and at a very momentous crisis, deprived this community of a large amount of capital that had before been actively and liberally employed, and which from experience is known to be indispensable to our welfare and prosperity, even under the most flourishing auspices of trade:

*Resolved*, That it is expedient to establish a new Bank, to be called the Girard Bank, after the name of our distinguished citizen; and that the said Bank should be so fixed with regard to location, as to supply the new deficiencies and wants that have just been created.

*Resolved*, That a committee of five be appointed for the purpose of drafting a memorial to the two Houses of Legislature, expressive of the sense of this assembly, and that the said committee be instructed to present their report to the meeting for their approbation.

A memorial, reported by a committee was unanimously adopted, and a committee of fifty appointed to carry into effect the objects of the meeting.

The following gentlemen compose the committee:

Benjamin Tevis, Antony Lauseat, Thomas Cave, George Troutman, Robert Patterson, Asher M. Howell, Benjamin S. Bonsall, Thomas Lancaster, Henry Korn, John Goodin, jr. Edmund A. Souder, Samuel F. Bradford, John M. Chaption, David Lapsley, jr. Pearson Serrill, John B. Swett, Jesper Harding, Edwin T. Scott, John M. Barclay, Frederick Stoecker, John Horn, Thomas J. Petriken, George Guier, John Knox, Robert Ewing, Sampson Tams, Mordecai D. Lewis, John Grigg, Jesse Smith, Thos. Rogers, John L. Woff, William Carman, Henry Toland, Henry White, William Newell, jr. John Harding, jr. Caleb Cope, John Thoburn, John D. Goodwin, Dennis McCredy, William Booth, James Burke, John Moss, S. Destouet, Thomas Haven, Augustin Stevenson, William G. Alexander, James Harper, Lawrence Lewis, John L. Hodge, John Barclay, Miles N. Carpenter, Freeman Scott, Benjamin E. Carpenter. The following resolutions were then offered and adopted:

*Resolved*, that, in the opinion of this meeting, no banking or other business corporation, ought to be chartered, without providing for preventing the stock from being monopolized by a few persons; and for this purpose, it is necessary that no one be allowed to subscribe as the attorney or agent of more than one individual.

*Resolved*, that the commissioners appointed to receive subscriptions, ought to be sworn or affirmed to act with strict impartiality.



Resolved, that subscriptions ought to be received not exceeding five shares to each individual, until all persons wishing that number have been accommodated.

JOHN LISLE, President.

ALEXANDER COOK, } Vice Presidents.  
JOHN THOMPSON, }

C. MACALESTER, JR. } Secretaries.  
MILES N. CARPENTER, }

### MEMORIAL

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met:*

The memorial of the undersigned, merchants, manufacturers, mechanics, traders and others of the city and county of Philadelphia,

*Respectfully sheweth*, that the indispensable necessity to mercantile prosperity of a certain reasonable amount of capital to be employed in banking operations, is an axiom established by the experience and knowledge of this community, and the universal acceptance of all commercial nations:

That the amount of capital hitherto employed by Stephen Girard, which was always and at all times treated by your honourable bodies as part of the reasonable supply of this city and county for banking purposes, is now about to be withdrawn from the general use of the community, and to be removed to other objects and employments; while, to add to the distress of your memorialists, they are exposed to the disastrous effects of such a commercial crisis as American trade has rarely witnessed:

That the banking capital accessible to the important, numerous and valuable interests, requiring its assistance, within the limits of the city and county of Philadelphia, was well known to be inadequate to the calls of the community, even when the general prosperity of trade and the extraordinary abundance of circulating medium diminished the amount of the public want, and the great capital of Mr. Girard, which enabled him to employ three millions and a half of dollars actively and liberally in discounts increased in an immense proportion the quantity of financial supply:

Your memorialists, therefore, humbly pray your honourable bodies to incorporate a new bank for the city and county of Philadelphia, with such capital as in your wisdom may be considered necessary, That the said institution receive the name of "The Girard Bank of the City and County of Philadelphia," as some acknowledgment of the public respect for our late worthy and eminent fellow citizen, and that its location be directed for the special purpose of supplying the new wants and inconveniences that have just been created by the dissolution of a bank, lately existing and in operation.

Your memorialists do not pray for a capital so extensive as that formerly employed by Mr. Girard, because, although they believe that the whole sum would not be more than adequate to the public necessities, yet they consider it more equitable—more republican—and more conducive to the welfare of the community, that the amount should be distributed among several institutions, situate in various parts of the city and county, and thus excite to a wholesome and useful competition.

And your petitioners will ever pray, &c.

### TWENTY-SECOND CONGRESS

IN SENATE, Monday, Jan. 9, 1832.

### BANK OF THE UNITED STATES.

MR. DALLAS presented the following memorial from the President, Directors and Company, of the Bank of the United States:

*To the Senate and House of Representatives of the United States, in Congress assembled:*

The Memorial of the President, Directors, and Company of the Bank of the United States, in the name and in behalf of the stockholders of the Bank, respectfully represents—

That the charter of the Bank being about to expire, on the 4th of March 1836, your memorialists deem it their duty to invite the attention of Congress to its renewal.

The general considerations which caused the establishment of the Bank, the manner in which it has executed the duties assigned to it, and the reasons which recommend its continuance, your memorialists forbear to discuss, since, of these subjects, your honorable bodies are more competent and appropriate judges. They will therefore merely state the views which induce their application at this time.

Unless the question is decided by the present Congress, no definitive action upon it can be expected until within two years of the expiration of the charter—a period before which, in the opinion of your memorialists, it is highly expedient, not merely in reference to the institution itself, but to the more important interests of the nation, that the determination of Congress should be known. Independently of the influence which the bank was designed to possess, and which it necessarily exercises over the state of the currency, by which all the pecuniary transactions of the community are regulated, its own immediate operations are connected intimately with the local business of almost every section of the United States, with the commercial interchanges between the several states, and the intercourse of them all with foreign nations.

Of the value to the community, of the system which after long and anxious efforts, and at great pecuniary sacrifices, your memorialists have at length succeeded in establishing, it is not for them to speak; their more immediate purpose is to represent, as they do, most respectfully, that the continuance or destruction of that system, thus widely diffused through all the avenues of the productive industry of the country, affecting all the relations of public revenue and private income, and contributing to give stability to all the rewards of labor, is an object of general solicitude. If, satisfied with the practical operations of the institution, your honorable body shall deem it worthy of continuance, it seems expedient to relieve the country, as soon as may consist with mature deliberation, from the uncertainty in which all private transactions, and all public improvements, dependent on the future condition of the currency, and amount of capital disposable for those objects, must necessarily be involved until your decision is known. If, on the other hand, the wisdom of Congress shall determine that the bank must cease to exist, it is still more important that the country should begin early to prepare for the expected change, and that the institution should have as much time as possible to execute the duty, always a very delicate and difficult one, of aiding the community to seek new channels of business, and, by gradual and gentle movements, to press with the least inconvenience on the great interests connected with it.

Under these impressions, they respectfully request that the charter of the bank may be renewed.

By order of the Board of Directors,

N. BIDDLE, *President.*

MR. DALLAS said, that being requested to present this document to the senate, praying for a renewal of the existing charter of the Bank, he begged to be indulged in making a few explanatory remarks. With unhesitating frankness, he wished it to be understood by the Senate, by the good commonwealth which it was alike his duty and his pride to represent with fidelity on that floor, and by the people generally, that this application, at this time, had been discouraged by him. Actuated, mainly, if not exclusively, by a desire to preserve to the nation the practical benefits of the institution; the expediency of bringing it forward thus early in the term of its incorporation, during a popular representation in Congress, which must cease to exist some years before that term expires and on the eve of all the excitement incident to a great political movement, struck his mind as more than doubtful.—He felt deep solicitude and apprehension, lest, in the progress of enquiry, and in the development of



views, under present circumstances, it might be drawn into real or imagined conflict with some higher, some more favorite, some more immediate wish or purpose of the American people.

And from such a conflict, what sincere friend of this useful establishment would not strive to save or rescue it, by at least a temporary forbearance and delay? Nevertheless, his conscious inexperience in the forms and contingencies of legislation, inspired a distrust of his own judgment on this merely preliminary point. The determination of the parties interested, may be, nay, must be, wiser and better, and he could but feel strongly impressed by the recollection, that the legislature of Pennsylvania, recently, and in effect, unanimously had recommended the renewal of the charter of this Bank. He became, therefore, a willing, as he was virtually an instructed agent, in promoting, to the extent of his humble ability, an object which, however dangerously timed its introduction might seem, was in itself, as he conceived, entitled to every consideration and favor.

Mr. D. concluded by moving that the memorial be read and be referred to a select committee of five in number, and that the committee have power to send for persons and papers.

The memorial having been read and the reference agreed to—

Mr. DALLAS moved that the appointment of the committee be postponed till to-morrow.

Mr. BELL said he was not aware of any reason for the postponement; and as none had been assigned for it, he could perceive no propriety in the postponement. It would, also, be a thing unprecedented in the Senate; and unless some reasons were adduced in favor of the postponement, he should prefer that the Senate should, according to its usage, proceed at once to the appointment of the committee.

The question being put on the postponement, it was negative. Ayes 15, noes 24.

The Senate then proceeded to ballot for the committee, and the following gentlemen were chosen to compose it, viz: Mr. DALLAS, Mr. WEBSTER, Mr. EWING, Mr. HAYNE, and Mr. JOHNSTON.

#### HOUSE OF REPRESENTATIVES.

This day being, by the rules of the House, the day of the week on which petitions are to be received, a number were presented; amongst which was presented,

By Mr. McDUFFIE, the memorial of the President and Directors, on behalf of the Stockholders, of the Bank of the United States, asking for a renewal of their charter.

After the above mentioned memorial was read,

Mr. McDUFFIE moved to refer it to the committee of Ways and Means.

Mr. DAVIS, of South Carolina moved to refer it to a committee of the whole House on the state of the Union.

A motion was also made to refer it to a select committee.

Mr. WAYNE, of Georgia, said, that he had on a former occasion expressed his objection to the reference of this subject to the Committee of Ways and Means; and he should not trouble the House by repeating now, what he had advanced at the commencement of the session in favor of the appointment of a select committee; but he called upon gentlemen to consider what was the attitude of the Committee of Ways and Means in reference to the Bank question, and to compare it with the attitude in which that question had been presented to the House by the President of the United States, and he would ask whether it was not manifestly proper to submit the Memorial to a committee entirely uncommitted upon the subject. But this was not the object for which he had risen—the present question had not come upon him unexpectedly—he had been aware before he entered the House that a memorial of this kind would this morning be presented, and when he looked back upon the occur-

rences of the last four weeks, and remembered what had taken place at a late convention in Baltimore, and the motives which had been avowed for bringing forward the subject at this time—he must say, that gentlemen ought not to permit a petition of this kind to receive the attention of the House.

Who could doubt that the presentation of that memorial was in fact a party measure, intended to have an important operation on persons occupying the highest offices of Government? If, however, it should be considered necessary to enter upon the subject at the present time, Mr. Wayne said he was prepared to meet it. But when gentlemen saw distinctly before their eyes, the motive of such a proceeding, he hoped, that notwithstanding there might be a majority in the house in favour of the Bank, gentlemen would not lend themselves to that kind of action. Could it be necessary to take up the question of rechartering the Bank at the present session? Gentlemen all knew, that four years must pass before its charter would expire, and that Congress had power to extend the period, if farther time was necessary to wind up its affairs. It was known that other subjects of an exciting character must come up during the present session, and could there be any necessity, or propriety in throwing additional matter into the House calculated to raise that excitement yet higher? He trusted some individual would follow him, who might be able to present the subject to the House in a stronger light than he could. He should be willing in the very outset, to meet it by a motion to lay this memorial upon the table; but he would not make that motion at present; inasmuch as it would preclude a discussion which he wished to see proceed. He would, therefore, reserve himself for such ultimate action in reference to it as he might consider proper.

Mr. McDuffie said, that if he even could suppose that the Baltimore Convention had had any thing to do with the presentation of the present memorial, he trusted that he, at least, would be free from the suspicion of acting in this House as the agent of that body, if any man in the United States could be free from such a suspicion. So far, however, as regarded the President, Directors, and Company of the mother bank, he must say, that so far as his situation had given him an opportunity of having any knowledge of them, (and he had had much to do with those gentlemen) he did not believe that there existed within the limits of this Union, an organized body more perfectly exempt from any just liability to the charge of acting from political considerations; and so far from having had the remotest connection with any political movements, either at Baltimore or elsewhere, he should rather come to the conclusion that the present memorial had been presented after a consultation with the party to which the gentleman from Georgia, as well as himself, belonged, than with those of opposite party opinions. He regretted exceedingly, that this should have been regarded as a political question; but it was the misfortune of our country, that no subject of any kind could be started, which had reference to the general interests of the people, but it must instantly be converted into a political question, and connected with that all-absorbing topic—a topic which he feared would one day prostrate the liberty of the country—the election of a President. Could not the consideration of any question, referring to the interests of the country, be entered upon, but it must be to put this man into office, and that man out? Could no question of any kind be disposed of with a calm impartial judgment? He should deeply regret if any gentleman, in acting on the present subject, should be influenced by the question, how its decision would touch the election of this man or that. He could not possibly see how it could have any thing to do with the matter. Why must this be made a political question at this time more than at any other? Did the gentlemen from Georgia suppose that the progress of purification would be such, that at any future time, personal considerations



would cease to operate? If, while the present incumbent occupied the Presidential chair, the Bank question must of necessity have a political aspect, was it to be supposed, that two years hence, when there were two or more gentlemen, candidates for that situation, the discussion of it would be any more disinterested? No! cried Mr. McD., it is the imperfection of man that presents the difficulty; and until that shall cease, the gentleman from Georgia will never get out of it. The President and Directors of the mother Bank had been governed, not by political or party motives, in presenting this memorial, but by the obligation under which they lay, no tonly to the stockholders, but to the Government of the United States. What would be the effect of refusing to renew the charter, or to act upon the subject, till two years, or till a single year before its expiration? Could the gentleman from Georgia have reflected upon the consequences? That Bank had given a credit of \$50,000,000 to the people of the United States. What did he suppose must be the effect of suddenly withdrawing that credit? Its effect, not only to the individuals to whom the credit had been given, but to all others connected with them? It would be nothing short of utter desolation. Whether the charter were to be granted or refused, the House was bound in every view of the subject to act upon it now, and to act definitely. A period of four years was not more than was indispensably requisite to wind up the concerns of such an institution. If the consideration of the subject at this time was necessarily attended with any embarrassment, he should regret it; but still he must hold the great leading interests of the country to be paramount to all political and party considerations. If it was in the power of gentlemen to discard all such feelings in considering the great question to which this memorial referred he earnestly hoped that it might be done.

Mr. Cambreleng, of New York, said that he heartily joined in the wish just expressed by the gentleman from South Carolina, (Mr. McDuffie,) that the subject might be approached without any thing like political excitement: but that gentleman and himself must live far beyond the ordinary length of man's life, if they ever lived to see that question separated from party considerations. If his recollection did not very much deceive him, that gentleman, in the beginning of the session, had expressly said that the Bank question would sleep in his committee throughout the residue of the session.

Here Mr. McDuffie interposed, and said that the gentleman had entirely misunderstood him—that he had never made any such assertion.

Mr. Cambreleng said he stood corrected. He concurred with the gentleman, that the subject ought to be met; but he hoped that in considering it, the House would deliberate long, and reflect maturely. They would thoroughly examine the great question, whether any Bank in the country could have the power to issue a currency from all its branches in every part of the country—payable nowhere.

Here Mr. McDuffie was about to interpose, when Mr. Cambreleng said he was not going to enter into the merits of the general question; but had arisen for the purpose of suggesting to the gentlemen from Georgia, (Mr. Wayne,) not to move to lay this memorial on the table. He was for himself willing and ready to meet the subject. He wished also to make an appeal to the gentleman from South Carolina, (Mr. McDuffie,) whether he would persist in his motion to refer the memorial to the committee of Ways and Means, seeing that if it should go to a select committee that gentlemen would occupy in such committee the same station he held in the standing committee to which he belonged, and whether he would not consent that the subject of re-chartering the Bank, should go to a select committee, as it had heretofore done. He had joined with that gentleman in referring so much of the message as re-

lated to this subject, to the committee of Ways and Means. But, the consideration of a memorial which would require the whole subject to be sifted to the very bottom, was, of itself, sufficient to occupy a committee during the whole session of congress. The committee of Ways and Means was charged with the revenue and finances of the country, and could not give it that attention which it required. He therefore suggested to the gentleman from South Carolina, whether he ought not, in justice to others as well as to himself, to move the reference of the memorial to a select committee.

Mr. McDuffie replied, that to do so would not be to comply with the order of proceeding in the House, inasmuch as the subject appropriately belongs to the committee on Finance.

Mr. Cambreleng, thereupon, moved that the memorial be referred to a select committee.

Mr. COULTER, of Pennsylvania, said that he had not been so fortunate as the gentleman from Georgia, [Mr. Wayne] inasmuch as he had not heard that such a memorial was this day to be presented to the House, and the only reason he felt any particular interest, as to the disposition of it was, that many of the petitioners resided within the State from which he came. He had the same interest in the general subject with other citizens of the country. What was the subject before the House? A petition had been presented from a number of highly respectable citizens on a subject vitally interesting to the nation. Had they not a right to address this House? Had they approached it with an address upon a light and frivolous subject? A subject improper to occupy the attention of the legislative body? No. It was a subject which claimed the attention not only of that House, but of the whole Union. A subject which must undergo the action of the Legislature, at some period not far distant. And how was it proposed to treat these citizens? If he had not misunderstood the gentleman from Georgia, that gentleman had proposed that these citizens, together with the subject on which they petitioned, should be contemptuously thrown under the table, and that on the ground that it was a subject not fit at this time, to occupy the attention of the representatives of the United States. What were the reasons advanced in support of this position? Why, that the subject of the petition partook of a party character, or, that the presentation of the petition was connected with certain other political movements in the country? This might be a good reason with the gentleman from Georgia, as he very possibly was in the secrets of the party that had met at Baltimore; but as for himself he was not. He stood on that floor as a representative of the people—prepared to act on the subjects which in that capacity might be brought before him. He was governed by no such considerations—he knew of no connexion of the memorial with any party or other proceedings at Baltimore. All he knew was that the petitioners resided in the state of Pennsylvania; that they had a right to present the memorial, and had acted properly in doing so, and a mere allegation that the paper was connected with political movements at Baltimore, formed no reason why he should not exercise the responsibility which had been committed to him. It had been said that the Bank question always would be connected with the politics of the country. If that was true, it was an objection that would apply equally at all times. But such was not his view of the subject. He hoped that the great experiment of a representative government had not so completely failed, that a Legislative Assembly could not pronounce upon a great subject, connected with the interests of the country, without being governed by predilections for men, and by feelings of mere party politics. The moment he should be compelled to believe that, he should conclude that the great republican experiment had failed; for it was the same to him whether a despot on the throne dominated over the country, or some demagogue who issued his proclamations, from a committee room, or elsewhere, controlled public opinion, and ruled the country. If



great questions of national policy were to be settled on the paltry politics of the day, or by a mere preference for individuals, the people ought to know it. It was because he believed that the House was capable of deciding such a question as this of the Bank, on purely national principles, that he believed that the present memorial ought to receive the action of that House.—He should not enter upon any considerations which touched the merits of the question, he would only say, in general, that the paper before the House was a respectful petition on a subject every way fit for the action of the House, and ought to receive its action. Were gentlemen to be deterred from the consideration of the memorial, by such reasons as had been offered by the gentleman from Georgia? He hoped that every man who felt in his own bosom higher and nobler principles of action than that gentlemen had alluded to, would not be deterred from the discharge of his duty; that the man who stood there as a Representative of the people, and felt that he was worthy so to stand, would act in such a manner as to show that he was above the reach of such motives. Let him suppose that this house was to be wrested from the course of duty and patriotism, and perverted and debased into a mere party machine, what, he asked, would be the most direct mode of accomplishing such an end?

He knew of none more directly calculated to effect it than that which had been now pursued by the gentleman from Georgia. If any gentleman on that floor choose to become the trumpeter to blow the rally of party, he might perhaps, succeed in carrying a portion of the House with him; yet he must still believe that House capable, in spite of all such efforts, of deciding national questions on national principles. He had no idea that the gentleman from Georgia intended to rally a party; but whatever were the gentleman's intentions, such alone could be the effect of his remarks; nor could he have devised a fitter mode to effect such an object. He had no doubt the gentleman really felt all the boding fears he had expressed, but he could not but consider them as entirely premature. As to the committee to which the memorial might be sent, it was to him a matter of no very great consequence. The only difference between sending it to a select committee, and sending it to the committee of Ways and Means, is this—that in the committee of Ways and Means, he had the utmost confidence, but he might not feel quite as much in a select committee.

He saw no reason why the subject should not take the same course which it had hitherto done. The committee of Ways and Means was raised expressly to consider questions connected with the revenue; and he asked whether this subject did not naturally connect itself with the duties of such a committee? None could doubt it. From the days of Alexander Hamilton until that day, they had been closely connected—so closely that, to use the eloquent expression of the gentleman from South Carolina, the one might be called the body and the other the soul. Why should not the memorial go to the committee of Ways and Means? It belonged to that committee by the rules of the House, and it had always been referred to them as a preparatory step. Why should it not be now? He could see no valid reason. It had, to be sure, been objected that that committee had already expressed an opinion on the general subject. Very true; and that was the very reason why he wished to send it there. It was parliamentary to refer subjects to committees whose views were favourable, and should not a great question, on which the wisest statesmen of the country had bestowed their thoughts, and expressed their opinion, go to a committee whose views were in its favor, when matters of the most trivial moment were subject to that rule. The object in that very proper parliamentary rule was that a measure proposed might be presented in the most favorable manner—that it might, so to speak, have a fair chance; and, in the language of the books on parliamentary law, that it

might not be committed to a nurse who would be sure to strangle it. He did not wish to see this memorial strangled. He wished it to go to a committee where it would receive the consideration which it merited, in order that it might afterwards receive the judgment of the House, unprejudiced and fairly expressed.

Mr. APPLETON said that the subject-matter of the petition was one of the deepest interest to the community. It was most intimately connected with the commercial interest, but not exclusively so. Every class and every section of the country were interested in the question whether the charter of the Bank of the United States should be renewed. He thought that the importance of the interest involved made it proper that the petition should be referred to a select committee, who would give to the subject their undivided attention. The appropriate duties of the committee of Ways and Means had reference to the finances of the country, which were certainly connected to a certain degree with this institution—but, in his opinion, its bearing on the general prosperity was a matter of greater and paramount interest. Its relation to a sound currency involved, perhaps, the most important question in our whole internal policy. He supposed there was no doubt that, whether referred to the committee of Ways and Means, or to a select committee, according to all the principles usually adopted in the appointment of committees, a report would be made in favor of renewing the charter. But it was of the utmost importance that a careful and thorough examination should be had, whether some modifications of the existing charter should not be made on its renewal; and what should be the terms and conditions. He believed it to be susceptible of improvement, and hoped a committee would be appointed who would examine the subject thoroughly, uninfluenced, if possible, by party considerations, which certainly ought not to be connected with this subject.

The debate was further continued, by short speeches, from the following gentlemen:—Messrs. Archer and Mereer, of Virginia; Ingersoll, of Connecticut; Carson, of N. Carolina; Wilde, of Georgia; Mitchell, of S. Carolina; Root, of New York; Dearborn, of Massachusetts; Cambreleng, of New York; C. C. Johnson, of Virginia; Howard, of Maryland; Foster, of Georgia; Jenifer, of Maryland; Huntington, of Connecticut; Wayne, of Georgia; Sutherland, of Pennsylvania; Carson, of N. Carolina; Elsworth, of Connecticut; Hoffman, of New York.

Before the debate arrived at this stage, the usual hour of adjournment had arrived, and a motion was made, and negatively, to adjourn.

The main question was then put (Mr. Davis having withdrawn his motion to refer the memorial to a committee of the whole on the state of the Union) upon the reference of the memorial to the committee of Ways and Means, and decided by yeas and nays.

So the memorial was referred to the committee of Ways and Means. Yeas—100. Nays—90.

#### PORT OF PHILADELPHIA, 1831.

Arrivals—Coastwise,	-	-	3,206
Foreign,	-	-	396
Total,	-	-	3,602
New tonnage,	-	5 Ships,	1,936 79
Launched,	-	4 Brigs,	859 20
		7 Schooners,	392 39
		10 Sloops,	336 23
		Tons,	3,525 51.95

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# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. IX.—NO. 3. PHILADELPHIA, JANUARY 21, 1832. NO. 212.

## COLUMBIA AND PHILADELPHIA RAIL-ROAD.

REPORT OF JOHN BARBER, SUPERINTENDENT.

*To the Canal Commissioners:*

GENTLEMEN:—Since my report made to the board on the 4th December of the preceding, all the work which was then under contract upon the Columbia and Philadelphia rail-way has been completed. These contracts embraced the road formation, mechanical and incidental work upon twenty and a half miles of rail-way, extending eastward from the head of the plane at Columbia, and twenty miles extending westward from the Schuylkill river. The above forty and a half miles were authorized by the act of 24th March, 1828, and put under contract in January 1829, and comprises that part of the line, upon a portion of which, the construction of the railing is now contracted for.

Abstract No. 1, will show that the amount of moneys disbursed upon this portion of the line, during the present year, has been \$60,508 65; of which sum \$10,554 96 was paid on balances and retained per centage due on final estimates, for work done prior to the date of my last report.

Having, in my various reports to the board, given them an exhibit in detail, of the several works connected with these divisions of the rail-way, it remains necessary only, at this time, to show the aggregate amount of moneys expended on the same. The whole amount of moneys paid upon this part of the work, for preparing the road bed, and for all other matters, is three hundred thirty-seven thousand, seven hundred sixty three dollars, four cents; and the amount settled and in progress of settlement, at the accountant department, is correspondent with that sum. The disbursements, under their several heads, will, however, more satisfactorily appear in abstract No. 2, annexed to this report.

A quantity of rubble stone has been excavated, and remains upon different sections of the road; arrangements have been made with the contractors for laying down the rails, to use all that is fit for the purpose, of that material, in filling in the trenches and stoning the horse path. It will be estimated to them at a fair valuation, and the commonwealth will receive a credit therefor in the settlement of these contracts.

The contracts for new work, authorized by the act of 21st March last, were principally signed in the month of May. The allotments were made under the immediate superintendence of the canal board, on proposals received on the 11th and 18th of May, at Downingtown and Columbia. In June, the line was put into active operation, and the first estimates were paid in the early part of July. The contracts above referred to, embrace the graduation, mechanical and incidental work upon those portions of the line not heretofore authorized; and which are comprised within the following limits, to wit: First, the inclined plane section, commencing at the canal basin in Columbia, and extending to the head of the plane, a distance of one mile twenty-seven and a half chains. The next in order is termed the middle division, commencing at the western end of section No. 22, north of the village of Paradise, in Lancaster county, extending a distance of thirty-six miles thirty-eight chains to, and including

the 59th section; ending at a point directly south of the Warren tavern, in Chester county. And the third division is that which extends from the foot of the inclined plane westerly on the side of the Schuylkill river, following in part the line of the old Union canal, and terminating at the corner of Broad and Vine streets, in Philadelphia; embracing a distance of three miles twenty-four chains. Making the whole distance now under contract, for road formation, forty-one miles nine and a half chains; and which, when added to that part already completed, gives the whole extent of the Columbia and Philadelphia rail-way, from the out-let locks at the basin in Columbia, to its termination aforesaid, eighty-one and about a half miles, or 81 523.1000.

The new contracts entered into for excavation and embankments have been prosecuted with great energy; and a large amount of the heavy work is executed. Section No. 30, extending through the gap of the Mine ridge, at the highest point of which, there is a cutting of thirty-seven feet, is the only one which presents any formidable difficulties, and is the only section not now in the hands of the original contractors; this section having been re-let under proposals received on the 2d September last. The greatest obstacle presented in the prosecution of this work, is the quicksands which appear within a few feet of the surface throughout its whole extent. But the contractors feel confident they will be enabled to overcome these difficulties, and complete their contract in due season—They have about one hundred men employed at the present time. The inclined plane section at Columbia, has also progressed with vigour. The excavation in the deepest part is thirty-three feet, and is estimated to contain 67,000 cubic yards; the removal of nearly one half of which, by the next estimate day, will have been effected. On the division east of the Schuylkill, a large force has also been employed—and only for a large amount of rock which has appeared at two points upon the line, this portion of the road formation might have now been completed. It is fully expected however, that it will be finished by the first of January. The masonry of the culverts is in a forward state, on twenty-four, some of which are of large span and great length; final estimates have been settled, and the payments of the next estimates will reduce to few in number, all that are now in operation. Of the larger bridges, that across the Pequea creek will in a few weeks be completed—the masonry is finished and the superstructure raised. This is a beautiful work, and reflects much credit upon the contractors. The bridges over east and west Brandywine and Valley creeks, are not so far advanced, although a considerable amount of the masonry has been executed: the winter months will be employed in gathering the material, and a vigorous prosecution of these structures may be expected in the spring. I regret that I cannot report so favourably upon the work done at the bridge across the Schuylkill; operations under this contract however, are being prosecuted at the present time with great energy. A coffer dam has been sunk within a few days at the foundation of one of the piers, and sufficient stone of a superior quality got out, to raise the masonry to high water mark; a steam engine is ready on the spot, to be used in pumping out the water, as soon as the coffer dam shall be secured



and made tight—and the contractors are determined upon working night and day until the masonry of this pier is so far advanced as to be out of the reach of high water of the spring freshets. In fact, this work is now going on under favourable circumstances, more so than might have been expected, from the lateness of the season in which it was commenced; and setting aside unforeseen obstacles, I feel confident the superstructure of the bridge will be placed upon the piers by the first of November of the next year; and that it will be entirely finished and made passable in a short time afterwards. And although some difficulty was experienced in getting this important structure under contract, yet am I satisfied under all the circumstances, that the commonwealth have lost nothing by the delay. I have just had an intimation from the engineer attendant on that work, that if the weather should prove at all favourable, two more of the coffer dams will immediately be sunk.

Thirty-two and a half miles of single track-way of the railing is now under contract, as follows: twenty miles on the eastern and twelve and a half miles on the western end. The first ten miles commencing at the corner of Broad and Vine streets, has been let to a company under the plan of a continuous line of stone sills, plated with flat iron bars. A distance of nearly two miles of the sills are embedded, upon which the contractors are now fixing the iron plating. This operation, together with stoning the horse-path, will be completed in a few days: a temporary wooden railing, intersecting the permanent track, at the foot of the plane, is also in progress of construction, which, when completed, will greatly facilitate the work; in giving the contractors an opportunity of more readily transporting on rail-way cars, along the line, the heavy material of which the rail-way is composed. The seven miles of this contract, west of the Schuylkill, can be finished by the first of May, and that portion on the eastern side, by the first of June—which, for the latter, would be as early as prudence would dictate, that the permanent railing should be laid on embankments which have so recently been constructed. About 6,000 lineal feet of stone sills are now at the landings ready to be hauled out—calculated to lay down 3,000 feet more of the track, and arrangements have been made with the company for the delivery, as long as the weather will permit, of 600 feet per day.

The other ten miles of the eastern division was also originally let to one company, under the Liverpool and Manchester plan, of using stone blocks and iron edge rails. The contract for this work, was, for a time, prosecuted with spirit, and a considerable amount of material was collected upon the line—but the contractors having, about the 1st of October, withdrawn their forces, it was declared abandoned and re-let again on the 28th of that month, in two separate parcels of five miles each. The work is now rapidly advancing, and it is confidently expected this ten miles will be completed by the first of May. At which time it may be expected that a continuous line from the west side of the Schuylkill to the Paoli tavern, a distance of seventeen miles of single track-way, will be entirely completed. As regards the twelve and a half miles of single track railing, which was put under contract on the 18th May, on the western division, the first contractors completely failed in procuring stone of a quality suitable for its construction, under the stone sill plan. These contracts were declared abandoned, and on the 11th July the work was let under the block and edge rail plan. The first 6½ miles from the plane, was again declared abandoned, and re-let on the 25th October. The other six miles commencing at the Conestoga bridge and progressing towards Columbia, has gone on vigorously; materials have been deposited on the ground sufficient for laying down about three miles of the single track; and the iron edge rails, none of which description has yet arrived, is only wanting to complete a large portion of

this contract; and the same observation as regards the other portions of the line upon the same plan, may be made. Both the contracts on this division can be completed by the first of May.

Every contract upon the line, excepting a few of those recently entered into under the letting of the 3d instant, is now in active operation, and the work rapidly going on.

If an appropriation should be made by the legislature at their coming session, which would warrant putting the residue of the railing under contract next spring, the whole of the line can be finished with double tracks, engines and every other fixture, in the most permanent manner, ready to go into full operation in two years from the present time. A large portion of the line however, yielding a very considerable revenue, will be in operation in the early part of the next summer. And although it would doubtless be an object of great importance with the board to have this line of the public works completed at the earliest possible period, in order that it might yield to the state an interest somewhat proportionable to the monies expended, yet there are other considerations which in my view ought not to be overlooked—time ought to be allowed for the construction of these works, sufficient to have them executed in a permanent and substantial manner.

Under authority contained in a resolution of the board, dated at Northumberland on the 25th June last, I entered into contract with two responsible shipping houses in Philadelphia, for furnishing from England, agreeably to the specifications and patterns of the engineer, the requisite quantity of malleable iron edge rails and flat bars, with the necessary fixtures for laying down the same, on so much of the single track-way as is now under contract. Orders for this iron went out to Liverpool by the first packet which sailed, and arrangements for the manufacture have been made under very favorable circumstances. One hundred and seventy-five tons of the flat bars have within a few days arrived, and further shipments are shortly expected.

The contracts entered into for these materials will amount to one hundred twenty thousand dollars. And as the contractors in their agreement have stipulated to purchase the iron at cash prices in England, it will be fair to consider so much of the specific appropriation to this division, in addition to what has already been paid on other contracts, as expended, inasmuch as the whole amount of the iron will have to be paid on its arrival here.

Tabular statements, showing the progress of new work now under contract, the report and statement of the principal engineer upon the line, together with all other information required of me by the acts of assembly or by resolutions of the board, will be herewith transmitted.

By reference to abstract No. 3, annexed to this report, it will be seen that of the specific appropriation to this line, there has been drawn from the treasury by me two hundred twenty-four thousand dollars; and that the amount settled and in progress of settlement at the accountant department, is two hundred ten thousand seven hundred and four dollars twenty-three cents. Leaving a balance in my hands, deducting six thousand thirty-six dollars and two cents, paid to engineers and others on account, of seven thousand two hundred fifty-nine dollars seventy cents, applicable to the payments on estimates which in a few days will be due.

All of which is most respectfully submitted.

JNO. BARBER,  
Superintendent.

Columbia and Philadelphia rail-way office, 2  
Columbia, Nov. 25th, 1831. S

#### ABSTRACT, No. 1.

Amount drawn from the treasury on old work, inci-



dental and engineering expenses, and disbursed during the present year, \$60,508 65

Under the following heads, to wit:

On sections,	\$18,456 07
On bridges,	17,110 90
On miscellaneous,	4,731 32
On engineering, &c.	2,508 22
On fencing,	7,097 18
On damages,	50 00

\$49,953 69

In addition to which the sum of \$10,554 96 was paid on balances and retained percentage due on final estimates for work done prior to the date of last year's statement,

\$10,554 96

\$60,508 65

#### No 2.

The following abstract exhibits the amount of money drawn from the treasury, and disbursed upon contracts on the old line of rail-way, since its commencement.

Amount drawn from the treasury, and appropriated to payment of contracts on old line of rail-way,

\$337,763 04

*Paid as follows.*

Road formation,	\$170,909 55
Mechanical work,	96,961 59
Fencing,	34,742 84
Repairs and incidental work,	8,259 96
Engineering,	24,769 83
Damages,	575 29
Expenses,	1,544 18

\$337,763 04

#### No. 3.

Amount drawn from treasury, for the payment of contracts made under act of 21st March last, on Columbia and Philadelphia rail-way,

\$224,000 00

Disbursed as follows, per vouchers filed in auditing department:

On sections,	\$131,172 73
Bridges and culverts,	53,920 34
Laying rails,	15,780 00
Fencing,	802 00
Engineering,	8,393 00
Expenses,	636 16

\$210,704 23

Temporary and other receipts not yet settled, 6,036 02

Balance due commonwealth in my hands for future disbursements,

7,259 75

\$224,000 00

#### REPORT OF JOHN WILSON, ENGINEER.

*Philadelphia, Nov. 11, 1831.*

SIR—In compliance with the requisition of the secretary to the canal commissioners, that I should furnish you with such details from the engineer department, as would enable you in your annual report, to give a full and satisfactory exhibit of the work upon the Columbia and Philadelphia rail-road, I herewith transmit you a table of all the work now under contract upon the line, from returns made up to November 1st.

This document is divided into four compartments. The first exhibits the length of each section of road formation, and the amount expended for excavations and embankments, with the probable cost of the unfinished work. The second is appropriated to the culverts.

The third to bridges, and the fourth to the rail way superstructure.

The graduation and masonry upon the whole of the middle division have been prosecuted with vigour. That portion of the road formation from Schuylkill river to Broad and Vine streets, is expected to be finished about the latter part of next month. This would have been accomplished at an earlier period, but a greater quantity of rock appeared in the deep cuttings than was anticipated. The most important culverts upon the line will be constructed before the season for masonry closes. By the last return there were twenty-eight completed; of the remaining twenty, such as were in progress will be finally estimated before the end of this month. Of the five principal bridges, the one over Pequea creek, will soon be finished: the masonry of those over Brandywine and Valley creeks, is considerably advanced. The contractors are collecting materials and preparing a coffer dam for one of the viers of Schuylkill bridge. The lateness of the season when this work was re-let to the present contractors, will only enable them to be in readiness to prosecute it with vigour in the spring.

The contract for laying a single track with granite sills, upon ten miles west from Philadelphia, has not progressed with that rapidity which was desired. The transportation of such heavy materials can only be effected when the roads are in good order; when we shall have received the iron bars for completing that portion of the road already prepared for it, the work will then go on with greater facility. The same difficulty exists in prosecuting the contracts upon the remaining twenty-two miles; we expect, however, in the course of this winter to have the whole of the materials in readiness, so that when the edge rails arrive, there will be nothing wanting to complete the present contracts.

In referring to the tabular statement of the cost of the work, it will exhibit a greater amount than has been estimated in former reports. This is caused by substituting in every case (where materials were convenient for the purpose,) stone arches instead of wooden bridges, and by increasing the embankments and diminishing the size of the bridges, where wooden superstructures were necessary. We have also incurred considerable expense by enlarging our former curves, and rendering the line as straight as practicable.

Having thus given you all the information required of me, I trust you will be enabled to present to the board a full and satisfactory report.

I remain very respectfully yours,

JOHN WILSON.

John Barber, Esq. superintendent, Co-  
lumbia and Philadelphia rail-road.

#### ESTIMATE OF COST.

*Philadelphia, Nov. 8, 1831.*

DEAR SIR—In answer to your communication of the 3d inst. I will thank you to lay before the board the following, for their information.

In the present state of the contracts for completing the superstructure of the rail-road, it is difficult to form an accurate estimate of what would be the entire cost of completing the line between Philadelphia and Columbia, with double tracks. The deficiency of materials, particularly stone suitable for blocks, on both the eastern and western divisions of the road, has enhanced the cost of construction considerably beyond what will be incurred on other portions of the line; I except, however, the present contract prices for laying ways with granite sills: they are lower than would be again offered for any future contract, as no such material can be obtained within any reasonable distance of the rail-way, westward of the limit of Robinson, Carr & Co's. contract. The next item involved in the calculation of an estimate, is the cost of the iron. We are hourly ex-



pecting the arrival of 100 tons of flat bars, which were shipped from England, on the 14th September, and it is uncertain when we may expect any portion of the edge rails. The prices for either will, therefore, in the estimate, only approximate to the truth.

I will now give the cost per mile, of each of the present contracts, assuming the price for bar iron at \$52 per ton in Robinson & Co's. division, and the others at \$62 per ton.

Miles.	Per single track.	Double.
9 81 Robinson & Co.	\$9,042 97½	\$18,085 95
5 Provest, (new contract),	9,443 22	18,886 44
5 McCartney, do.	8,740 32	17,480 64
{ 12 14 Stewart & Co. do.	8,741 32	17,483 64
Fielding,	7,976 82	15,953 64

31 95.100 miles.

Without deducting any thing from these last portions of the line for materials delivered under former contracts at less prices, I shall estimate the 31 95.100 miles of single track, as equal to 15 975.1000 miles of double track, the cost of which will amount to \$281,386 77. The remaining 64 206.1000 miles, I have estimated at \$15,644 04.100 per mile of double way. In the latter estimate, blocks are charged at 40 cents each; broken stone, (the state furnishing a large portion of the material,) at 80 cents per perch, digging trenches, drilling and laying, at 50 cents per yard (double line,) horse-path \$250, and iron at \$4,364 02. The following is the result.

Miles.		
15 975, present contracts,		\$ 281,386 77
64 206, not contracted for,		1,004,441 23
1 354, bridges, wood plates,		5,000 00

81 535, add for steam engines, and occasional tenants,

45,000 00

Total amount, \$1,335,828 00

A single track constructed with wooden string pieces and sleepers, in a substantial manner for the 64 miles will cost \$305,074. Should the board require any further information on the above subject, you will please to inform me of it.

I am respectfully your obedient servant,

JOHN WILSON.

The New Castle and Frenchtown rail-road company, have been so obliging as to loan the state twenty-five tons bar iron, which we are now preparing to lay on the granite sills. The want of iron has retarded our whole operations.

#### ESTIMATE OF COST.

Philadelphia, Nov. 12, 1831.

DEAR SIR—In answer to your favour of the 10th, I request you to state to the board, that the estimate of the whole cost of the Philadelphia and Columbia railway, when completely finished for use, which I now submit, can only be considered as an approximation to the truth. It may exceed the actual expenditure or it may be less.

The whole road formation from the basin at Columbia to Broad and Vine streets,	\$961,292 21
Amount of superstructure—iron and stone being the material used for construction,	1,335,828 00
	\$2,297,120 21

I am respectfully,

Your obedient serv't.

JOHN WILSON.

F. R. SHUNK, Esq.

P. S. By the end of the next week, the first mile of granite way from the head of the plane at Schuylkill, will be ready for the transportation of our materials. The inclined plane will also be ready shortly after.

#### THE JUDICIARY SYSTEM.

SENATE CHAMBER, Jan. 2d, 1831.

Messrs. *Hamilton & Son*.—It is now generally admitted that there are defects in the present organization of the judiciary, which require legislative enactment. Various plans have been proposed, none of which have hitherto been adopted. The bill passed at the last session by the Senate, was believed by many to contain a system which was liable to as few exceptions, as any that had been proposed. The following letter I received from a judge of high standing in one of the western districts, which, though it differs in detail somewhat from the bill before referred to, agrees in the main with it. I offer no apology for requesting you to publish an extract from it. It is a subject on which the members as well as the public desire information. It is quite evident that the learned judge has reflected maturely on the subject, and has communicated information well worthy of an attentive consideration.

A MEMBER OF THE SENATE.

Extract of a letter, dated, December 20th, 1831.

I have read the Governor's Message, in which I observe he again adverts to the state of the Judiciary, and intimates the necessity of some change to give it more efficiency. For a long time I have thought that something must be done. The question is, what modification of the present plan will relieve from the *delay, embarrassment and difficulty* in the administration of the laws, or what *preferable system* can be devised? If an *entire new organization* should be thought necessary, let it be done. I am sure the Judges would acquiesce sooner than remain exposed to reiterated complaints from the people. But, possibly, the present arrangement might be in some degree altered; so as to remove the evils that exist. I have reflected a great deal on the subject, and think it practicable to make a very desirable improvement, without increasing the public expense. One principal cause of all the mischief and inconvenience that prevails, is the present mode in which the state is divided into districts, with local judges. This has made *special courts* necessary, and at length induced a recourse to *circuit courts*, an expedient that has totally failed to effect the good intended.

The intercourse of a Judge, in the circle where he moves in private life, is like that of other men. He has *friends and enemies*. He is therefore exposed to the imputation of partiality or prejudice. The people have no opportunity of making comparisons, which perhaps, might often remove their distrust and dissatisfaction. The judge himself has nothing to rouse a spirit of emulation. I can point out many objections to the present arrangement; but my design at present is, not to trace the *causes* of well founded complaint, but to suggest a plan by which I think they may be (measurably) removed. Allow me, therefore, to repeat the outline of a modification of our present judiciary organization, which is calculated, in my opinion, to introduce a beneficial change in legal administration. There is great inequality *now* in the distribution of judicial labor. The Judges of the Supreme Court have duties imposed entirely too arduous. In the inferior courts, in many of the districts, the business cannot be done. Litigation is usually, in some proportion to the population and trade of any district or place. In the division that now exists, there does not appear to have been any reference to these considerations. In some districts there is a great extent of territory, with a very sparse population and little business—the principal labor of the judge is riding from county to county, for which his mileage is some compensation. In others, the population is *dense* and the territory small. The judge sits a long time in each county, and his mileage does not pay his expenses. An inspection of the table I present will illustrate this.

There are at present seventeen districts, composed as follows;



- 1 Philadelphia city and county, with a population of 188,961, Edward King, President.  
There is a District court, and the Supreme court has original jurisdiction.
2. Lancaster and York, (district court also) 119,216, Walter Franklin.
3. Berks, Northampton and Lehigh, 114,890, Garrick Mallery.
4. Huntingdon, Mifflin, Centre and Clearfield, 72,256, Thomas Burnside.
5. Allegheny, (alone) 50,506, Charles Shaler.
6. Erie, Crawford, Venango and Warren, 46,745 Henry Shippen.
7. Bucks and Montgomery, 85,144, John Fox.
8. Northumberland, Lycoming, Union and Columbia, 76,603, Seth Chapman.
9. Cumberland, Adams and Perry, 64,854, John Reed.
10. Westmoreland, Indiana, Armstrong and Cambria, 77,355, John Young.
11. Luzerne, Wayne and Pike, 39,810, David Scott.
12. Dauphin, Lebanon, Schuylkill and Juniata, 66,632, Calvin Blythe.
13. Susquehanna, Bradford, Tioga, M'Kean and Potter, 48,242, Edward Herrick.
14. Washington, Fayette and Greene, 90,125, Thomas H. Baird.
15. Chester and Delaware, 68,269, Isaac Darlington.
16. Franklin, Bedford and Somerset, 77,080, Alexander Thompson.
17. Beaver, Butler and Mercer, 58,620, John Bredin.

I propose to do away the present division, and to erect five circuits, embracing the whole state, (except Philadelphia city and county) in the following manner, viz:

	Population.	Agg. Pop.	Pres't. Judges.
Lancaster	76,558		
York	42,653		Walter Franklin.
Chester	50,908		
Delaware	19,360		Isaac Darlington.
Bucks	45,740		
Montgomery	39,404—272,629		John Fox.
(The greatest population—but there is a District Court.)			

2d Circuit, including

Berks	53,357		
Northampton	39,267		Garrick Mallery.
Lehigh	22,266		
Dauphin	25,503		
Lebanon	20,546		
Schuylkill	20,783		Calvin Blythe.
Juniata			
Northumberland	18,163		
Union	20,749		
Columbia	20,069—240,688		Seth Chapman.

3d Circuit, including

Luzerne	27,304		
Wayne	7,663		David Scott.
Pike	4,843		
Susquehanna	16,777		
Lycoming	17,637		
Bradford	19,669		Edward Herrick.
Tioga	9,062		
Potter and M'Kean	2,704		
Jefferson	2,225		
Warren	4,706		
Venango	9,128		
Crawford	16,005		
Erie	16,906—167,629		Henry Shippen.

This circuit has the least population, but the greatest extent of territory.

4th Circuit, including

Franklin	35,103		
Bedford	24,506		Alex. Thompson.
Somerset	17,441		
Cumberland	29,218		
Adams	21,379		
Perry	14,257		John Reed.

Huntingdon	27,159		
* Mifflin	21,529		
Centre	18,765		
Clearfield	4,803—214,190		Thomas Burnside.
* The county of Juniata has been struck off from Mifflin and attached to Judge Blythe's district, I include it therefore in the 2d circuit—it will increase the population of the 2d circuit and lessen that of the 4th.			
5th circuit, including			
Allegheny,	50,506		Charles Shaler.
Beaver,	24,206		
Butler,	14,683		John Bredin.
Mercer,	19,731		
Westmoreland,	38,400		
Indiana,	14,250		
Armstrong,	17,625		John Young.
Washington,	42,860		
Fayette,	29,287		
Greene,	18,028—264,576		Th. H. Baird.

This circuit has a greater population than any other except the first, in which there is a district court. I propose that there should be also a district court in Allegheny, and as there are four judges in this circuit, this can be done without any increase of expense, either by commissioning one of them for that special purpose, or by requiring them to alternate in holding that court.

My plan is this: Let there be four terms in the year as at present. Let two terms, at intervals of six months, be assigned for the trial of issues of fact in Common Pleas and cases in the Oyer and Terminer. At each of these terms one of the president judges shall attend, and they shall so alternate in the performance of their judicial duties, that no one shall preside in the same county twice in succession unless with the consent of the bar in writing. At the other two terms the associate judges will hold the ordinary quarter sessions and dispose of the mere routine of motions, rules, &c. in the Common Pleas, Orphans' Court, &c., and also try indictments for petty offences. All cases of magnitude or importance, to be upon application continued until the next term, when one of the presidents may be present. The courts for the trial of issues of fact to be prolonged in the discretion of the judges until the causes are all disposed of. There shall be one court every year in each county, at which the president judges in the circuit will all attend. At this term all law questions shall be deliberately heard and determined. Motions for new trial, demurrers, &c. &c. and all matters reserved or continued from the quarterly courts. There will be no jury, and therefore no additional expense to the public; arguments can be heard and considered, free from the hurry and bustle of a jury court. The sitting of this court in bank to be arranged so as to allow a writ of error to the supreme court without delay. It is believed that when the three law judges concur, there will be few writs of error.

The present division of districts to be done away. Each of the judges to have equal powers and jurisdiction with the others within the circuit. Every thing like *local*, exclusive jurisdiction, to be abolished. The process issued, returnable to every term, to be tested in the name of the judge who last presided. And at the courts in bank in each county, that judge to preside who last held the court for trial by jury in that county. The rules for practice to be formed by the three judges, and to be uniform throughout the circuit.

Special courts and circuit courts to be abolished. But that there may be confidence and stability in the adjudication of the appellate court in the last resort, I propose to revise with certain modifications the high court of errors and appeals, to be composed of the judges of the supreme court, and one president from each circuit, in alternation. This court to be held once a year at Harrisburg. No appeal to this final tribunal to be allowed, except in cases where the judges of the supreme court have divided in opinion. This high court also to have power to make, adjust and alter the rules of practice in the several circuits, so as to effect uniformity and



efficiency. This is a brief outline of the proposed modification. Many important particulars will be embraced in the details, if the plan should be adopted.

Allow me now to suggest some of the advantages that I anticipate from the change I offer: and

1st. It will afford to every suiter an opportunity of having his cause tried by a judge who is neither interested in the court nor the question; and towards whom he has neither partiality nor prejudice.—It will therefore,

2d. Make special courts and circuit courts unnecessary, for both these expedients have originated from the objections of parties to their several judges.

3d. More business will be done. I have no hesitation in saying that a greater number of causes can be tried at the two terms proposed than are now at four. The time of the court will not be taken up, nor their attention interrupted (as at present) with motions, rules, and all the vast variety of concerns that render our jury courts a scene of confusion and turmoil. Besides, it will be found that many cases will be *stated* for hearing and deliberation by the three judges at their term in bank.

4th. It will afford time to examine legal questions, which now have to be decided (often without argument) in all the hurry of a jury court. The judge may reason points, or his opinion delivered to the jury may be re-examined before the court in bank, upon a motion for new trial. Should the other judges sustain, it is probable that in most cases the losing party would acquiesce.

5th. It would excite a laudable emulation in the judges by their presenting them before the people in a situation for fair comparison and estimate.

6th. It would relieve the supreme court from a part of their present onerous charge, and would afford them leisure for study and reflection.

7th. It would introduce uniformity in the practice of the courts.

8th. Last, but not least, it will not increase the public burthen. I have seen a project which proposes the appointment of circuit judges, &c. &c. The expense of this plan will be enormous, and I fear the people, with such a weight of debt upon them, will not be willing to encounter such an experiment. If judges are appointed, and thus drawn from other pursuits in life, they cannot with propriety be dismissed. The plan offered in the petition I have seen, is very doubtful as to its practical efficiency. The one I submit is at all events *safe*: the experiment will cost nothing, it makes no serious change or derangement in the order of things. If it should be unsuccessful, the matter may be placed *in statu quo*, or some other plan adopted, when the people may be more willing to meet the expense.

I submitted last year something of the kind I now offer. The memorandum I have mislaid or lost. The general idea, however, is in my memory, and I have given you the outline. If you think it contains any hint that may be useful, please to have it presented to the committee who may have the matter in charge.

I am altogether opposed to the plan proposed in certain petitions that have been put into circulation. It is expensive, complex, and I conceive not likely to be efficient. The precise operation I cannot entirely comprehend. I am anxious that something should be done, but I do not wish to increase the public expense, nor add to the labour of the district judges, unless it is clear that there will be advantage.—*Harrisburg Chronicle*.

## PROCEEDINGS OF COUNCILS.

THURSDAY, January 12th, 1832.

SELECT COUNCIL.—Mr. JOHNSON presented the following petition, which was referred to the Paving committee.

*To the Select and Common Councils of the City of Philadelphia.*

The petition of the undersigned citizens respectfully sheweth, that your petitioners labor under great incon-

venience from the immense body of water that is thrown into South street, between Fifth and Sixth streets, from the adjoining streets and alleys, which in the winter season collects large bodies of ice, to the great injury of the inhabitants, and danger and inconvenience of passengers. Also much expense is incurred by the Corporation in employing men to cut out the ice so as to prevent in some measure, the water from overflowing the foot pavement into the Houses, on the north side of said street. Your petitioners therefore most respectfully request your honorable body to cause the South street sewer to be extended from its present termination above Fifth street to the upper side of Sixth street, which in the opinion of your petitioners will remedy the evil they seriously complain of; and your petitioners will ever pray, &c.

Philadelphia, Dec. 26, 1831.

Mr. WORRELL presented the annexed communication from Mr. Conrad, which was referred to a special committee, and Messrs. Worrell, Johnson, Sexton and Moss, were appointed the committee.

*To the Select and Common Councils of the City of Philadelphia.*

Gentlemen—The petition of the subscriber respectfully represents that he is the owner of certain property located in Second, north of Arch street, known by the name of Conrad's Court, and containing twelve three storied dwelling houses; that your petitioner considering it but justice, that the said Court should be lighted at the public expense, made application to the Commissioners for that purpose, who very politely attended to the request, but considering it would be transcending their power, referred me to Councils for authority to do so, your petitioner therefore begs that Councils would appoint a committee to examine the premises and to direct the lighting of said Court, the lamps for which are already up, and your petitioner will &c.

MATTHEW CONRAD.

Philadelphia, January 10th, 1832.

The undersigned citizens of the city of Philadelphia, residing in the immediate neighborhood of the above named property, fully persuaded of the necessity of having said Court lighted, not only as to the immediate benefit to inhabitants of said Court, but as a general security, most respectfully recommend to the immediate attention of your honorable bodies the prayer of the petitioner, requesting that the same may be granted.

The following communications from the City Commissioners and City Clerk, were received, and referred to the committee of accounts.

CITY CLERK'S OFFICE, }  
January 12th, 1832. }

*To the President and Members of the Select Council.*

Gentlemen—The City Clerk respectfully lays before Council a printed statement of receipts for permits for placing building materials, and for entries of hackney coaches, sleighs, carts, drays and wheel-barrows, together with a statement of his payments to the City Treasurer during the fourth quarter of 1831.

Respectfully submitted,

ROBERT H. SMITH, City Clerk.

CITY COMMISSIONERS' OFFICE, }  
January 12, 1832. }

*To the President and Members of the Select Council.*

Gentlemen—The City Commissioners respectfully lay before Councils printed statements of their expenditures during the last quarter of 1831, together with statements of the cost of paving the several streets, receipts for market rents, and miscellaneous receipts during that period.

Respectfully submitted,

By order of the City Commissioners,

ROBERT H. SMITH, City Clerk.

The annexed letter from the Mayor of the City, enclosing the following statement from the Executors of the late Stephen Girard was received, and referred to the committee on said legacy.



MAYOR'S OFFICE, 2  
January 12th, 1832.]

To the President of the Select and Common Councils.

Gentlemen—I enclose a further communication from the Executors of the late Mr. Girard, referring to a second schedule of real estate devised to the city and to certain considerations connected with a portion thereof; all of which is respectfully submitted,

Very respectfully, Yours,

B. W. RICHARDS.

#### TENANTS AND HOUSES.

##### ANNUAL RENTS.

John Myers, No. 164 south Second street,	\$505 00
F. Duser, No. 162½ do.	505 00
J. R. Lejee, No. 162 do.	505 00
James Day, No. 160½ do.	505 00
J. Cowpland, corner of Union & Comptroller st.	305 00
Jacob Beck, No. 5 Comptroller street,	255 00
Eldridge, No. 3 do.	255 00
Ishi Craven, corner of Spruce & Comptroller st.	305 00
J. B. Freeman, No. 12 Comptroller street,	205 00
H. Billington, No. 10 do.	205 00
Wm. S. Eastwick, No. 8 do.	205 00
J. N. Daniel, No. 6 do.	205 00
L. Mignard, No. 4 do.	205 00
M. Mouille, No. 2 do.	205 00
W. R. Thompson, No. 66 Spruce street,	405 00
Not finished, No. do.	
Do. No. do.	
Do. No. do.	
Do. No. do.	
Do. No. do.	
F. H. Wolf, No. 1 Harmony street,	225 00
Edward Leeds, No. 2 do.	215 00
Wm. Cowpland, No. 3 do.	205 00
J. C. Kayser, No. 70 south Third street,	705 00
G. Weber, No. 68 do.	605 00
Jonathan Alden, No. 46 do.	455 00
C. Bray, No. 44 do.	455 00
L. Veron & Co. 100 Chesnut street,	1605 00
Rob & Winebrenner, No. 102 do.	1805 00
A. Russell & Co. No. 104 do.	1605 00
Mrs. Hughes, No. 161 do.	605 00
Lewis Teese, No. 161 do.	600 00
L. J. Levy, No. 163 do.	1205 00
S. Marshall, No. 15 south Third street,	450 00
Thomas Sully, No. 11 do.	665 00
Vacant, No. 5 south Twelfth street,	
Do. No. 3 do.	
Dr. J. Y. Clark, corner Twelfth & Market st.	708 00
Rev. A. Barnes, No. 1 south Eleventh street,	505 00
Wm. Reed, No. 3 do.	505 00
G. W. Edwards, No. 5 do.	505 00
Samuel Jeanes, No. 21 north Front street,	400 00
No. 25 do.	
No. 27 do.	
No. 29 and 31 do.	
Wm. Kester, corner of Jones alley & Front st.	400 00
Back building of do.	100 00
Mrs. Allen, No. Jones' alley,	72 00
Geo. Bowden, No. do.	72 00
J. Gillmore, No. 17 do.	120 00
J. Travilla, No. 19 do.	125 00
P. Dwyer, No. do.	172 00
J. G. Harker & Co. No. 20 north Front street,	1600 00
H. C. Corbit, No. 22 do.	1600 00
Gill, Ford & Co. Nos. 24 & 26 do.	3000 00
No. 28 do.	
J. Robinson, No. 29 north Water street,	550 00
D. Vicers, No. 27 do.	400 00
S. V. Anderson & son, No. 25 do.	450 00
S. Girard's dwelling, No. 23 do.	
S. Comly, Nos. 13 & 15 do.	2000 00
Do. No. 11 do.	800 00
Do. No. 9 north wharves,	1000 00
M. Weaver & Son, No. 20 north Water street,	300 00

Nagle & Trautwine, No. 24 north Water street,	43 00
J. Scattergood, ferry house, No. 9 north Water street, bar room in store on the wharf (late Bickley's) and slip,	1200 00
R. Brooks, counting room, in do.	100 00
J. Fenton, sail loft in do.	165 00
Moffat & Killion, 2 rooms in do.	250 00
S. Comly, one room in do. at \$10 per month,	120 00
M. Weaver & Son, one do. in do. at \$10 per mo.	120 00
A. Atkinson, No. Schriver's Court,	165 00
Mrs. Lehman, No. 56 north Eighth street,	205 00
J. Hand, first floor of No. 7 north wharves,	1000 00
Upper part of do. vacant,	
First floor, No. 11 north wharves, occupied by S. G.	
Upper part of do. vacant,	
No. 12 north wharves, occupied by S. G.	
No. 13 do. do. do.	
No. 26 north Water street and cellar do.	
No. 8 do. do. do.	
No. 29 Coates street, (vacant,)	
P. Carpenter, No. 211 Coates street,	257 50
Joseph Smith, No. 213 do.	257 50
B. E. Carpenter, No. 215 do.	257 50
O. Parry, No. 217 do.	257 50
C. F. Polwell, No. 219 do.	257 50
J. A. Elkinton, No. 221 do.	257 50
John Bossler, No. 223 do.	257 50
J. A. Barclay, No. 225 do.	257 50
Mrs. Ruschenberger, No. 227 do.	257 50
J. H. Connell, No. 229 do.	257 50
Jesse Roberts, No. 231 from 15th December,	257 50
Richard Foulke, No. 233 from 26th October,	257 50
No. 235 vacant,	
J. Cozzens, N. W. corner of Coates & Sixth st.	90 00
D. Mayland, dairy farm, Moyamensing,	900 00

Philadelphia, Jan. 12, 1832.

SIR:—The executors of the will of Stephen Girard, late of this city, deceased, respectfully transmit through you, to the Select and Common Councils, a second list of certain Real Estate, situate in the county of Philadelphia, constituting a part of the residuary estate, which passed under the devise to the Mayor, Aldermen, and citizens of Philadelphia.

In relation to that part of the said real estate, which the testator devoted to the purposes of a College for White Male Orphans, namely the forty-five acres of land, situate in Penn Township, the executors deem it their duty to make to Councils at the present time, these representations: In order to render the entire scite of the College as secure and as free from all intrusion as possible, and also to give the orphans an ample space for exercise, and agricultural and mechanical pursuits for instruction and recreation, the testator designed that there should be a stone wall around the whole premises, and not a brick wall as specified in his will in relation to his city square; to this end he caused a quarry on the said premises to be worked, in order to provide stone for the intended wall, and of that part of the wall in front of the Ridge Road he made arrangements for early construction. These circumstances are stated under an impression that the intentions of the testator will be carried into execution, in these particulars; but chiefly to call the prompt attention of Councils to the importance of an early attention to the premises referred to, in connexion with the streets, which it may be proposed to open in Penn Township, through any part of the said forty-five acres.

The executors anxiously hope that Councils will seek and obtain the passage of such a law as shall prevent the opening of any street through the premises referred to: and they persuade themselves, that, in a matter so desirable by the testator, and so important to the community, opposition from no quarter will be met with, now especially as some of the streets, which it might be proposed to open, are already interrupted by the Eastern Penitentiary.



Any explanation required will be given, if in the power of the executors. Respectfully,

TIMOTHY PAXSON,  
THOS. P. COPE,  
JOSEPH ROBERTS,  
W. J. DUANE,  
JOHN A. BARCLAY.

B. W. RICHARDS, Esq. Mayor of Philadelphia.

#### SCHEDULE

Of Lands in Passyunk, Moyamensing, and Penn Townships, in the County of Philadelphia, belonging to the late Stephen Girard.

	Acres per.	
O. Plantation in Passyunk township, Philadelphia county, containing in 2 tracts on opposite sides of the road,	70	135
P. Tract or piece of land in Passyunk township, bought of A Shitzline, containing	5	131
Q. Tract of land in Passyunk township, bought of David Lentz, containing	4	65
R. Tract of land in Passyunk township, bought of J. Lentner,	7	130
S. Two pieces of meadow ground in Moyamensing township, one of them 23 acres 86 perches, and the other 16 acres 139 perches, bought of R. H. Wilcocks,	40	65
T. Five lots of land in Passyunk township, bought of E. Gaulbert, four of them, to wit: 6 acres 107 perches, 1 acre 7 perches, 3 acres 110 perches, and 7 acres 40 perches, together 18 acres 104 perches, and the 5th lot, being a landing on Schuylkill, contents where-	18	104
V. of not mentioned,		
U. Tract of land in Passyunk township, late estate of Christian Deshong, deceased, bought at Sheriff's sale,	8	80
Messuage and piece of ground in Passyunk township, late Messmer's, containing	1	50
W. Messuage and tract of land on Schuylkill, in Passyunk township, bought of Benedict Dorsey,	24	00
X. Three contiguous tracts of land in Passyunk township, bought of Anna Catharine Pritchett, containing in all	28	33
Y. Tract of land in Passyunk township, bought of John Hopkins and Willet Smith, executors &c. of William Ferguson deceased, containing	7	114
Also, deed from John Field to S. G. for 9 (including the above paid for twice) leaving	2	33
Z. Messuage and three contiguous lots of ground in Passyunk township, bought of Margaret Lodge, administratrix of John Lodge, deceased, containing	18	00
FF. Two adjoining pieces of meadow ground in Moyamensing, bought of Geo. Tallman, containing 6 acres 110 perches and 1 acre 40 perches, together,	7	150
GG. Two lots of ground in Passyunk township, one of them containing 5 acres 40 perches, the other being a landing on Schuylkill, bought of George Sheeler,	5	40
II. One lot of land in Moyamensing, bought of John Wagner and wife, containing	13	00
KK. Two lots of land in Passyunk township, late Hargesheimer's, 5 acres 90 perches, and 4 acres 25 perches, together,	9	115
LL. A lot of land in Passyunk township, late Philip Young's, deceased, containing	22	12
MM. Sundry lots of land in Passyunk township, called the Schuylkill Point meadows, late Lawrence Seckel's, bought at Sheriff's sale,	108	70
NN. Two lots of land in Moyamensing, bought of the Pennsylvania Hospital, 11 acres 85 perches and 7 acres 94 perches,	19	19
OO. A lot of land in Passyunk Township and		

a water lot on Schuylkill, bought of Geo. Hoffner, containing	4	33
PP. A lot of land in Passyunk, adjoining the Schuylkill Point meadows, bought of Mary Muhlenberg, containing	4	00
QQ. Two lots of land in Passyunk, late Lawrence Seckel's, bought at Sheriff's sale one lot 4 acres 5 perches, the other 16 acres 100 perches,	20	103
SS. A lot of ground in Moyamensing, bought of Richard Renshaw, containing	17	00
TT. A lot of land in Passyunk township, bought of the heirs of John Martin Cubler, containing	8	40
UU. A lot of land in Passyunk, bought of John Long, containing	2	00
BBB. Two lots of meadow land in Moyamensing, bought of Henry Clymer, one lot 6 54, the other 4 10,	10	64
HHH. A lot of land in Passyunk, late F. Vollmer's, bought at Sheriff's sale, containing	3	00
MMM. A lot of land in Passyunk, bought of John K. Helmuth, containing	30	150
VVV. Two lots of land and dwelling house in Passyunk, late Peter Deshong's, bought at Sheriff's sale	36	142
DDDD. A lot of ground in Passyunk, bought of the estate of Jona. Fell, containing	4	80
LLLL. A lot of ground with mansion house and out buildings in Penn township, bought of William Parker and others, called "Peel Hall," situate on the Ridge Road turnpike, containing	45	00

Total acres, 610 28

Mr. DUANE, from the executors of the late Stephen Girard, made the following statement:

*To the Select and Common Councils of the City of Philadelphia.*

The following representation is respectfully made, to the constituted authorities of Philadelphia, by the Executors of the will of Stephen Girard.

From the will of Stephen Girard, it appears that, having made the city of Philadelphia his residuary devisee, he was anxious that as large an income as possible should be derived from his real estate: to effect this object, he declares it to be his intention, that the square of ground formed by High and Chesnut, Eleventh and Twelfth streets, should be built upon and improved: It is not, however, in the will alone, that evidence of the testator's anxiety on this subject, is found: relying upon the strength of his constitution, and upon those simple habits, which had fostered the bounty of nature, he began in his eighty-second year, to improve the square referred to; and made in relation to this part of his estate, such arrangements as it had been his practice to make when about to build upon others—he caused the numerous trees upon the square to be cut down—he caused preparations, now in the state of forwardness, for making bricks upon it to be commenced—he prescribed a general plan, according to which, the entire square should be built upon, and a particular plan for distinct classes of houses, as to position and dimensions—he engaged the services of several superintendents and agents, by some of whom work was begun, and by others of whom contracts were entered into—he made some contracts for lumber himself, directing the sizes according to the dimensions of the houses determined upon: but in the midst of these, and other such undertakings, the career of the beneficent projector, was arrested by the hand of death.

It will be further observed, in the will of the testator, that he recommends to his executors to see that his intentions, in relation to his residuary estate, including the square above mentioned, should be strictly complied with: so that the Executors deem it their duty to make known to the constituted authorities of Philadelphia, the facts above



stated, in order that measures may be taken to prosecute the work, now in part suspended; they take it for granted, that the plan of the testator will be adhered to, and that those agents in whom he confided, and who fully understand his views, will be continued in their occupations; because a change, besides being ungracious in itself, could, they believe, have no salutary effect; but would, on the contrary, be followed by delay, and perhaps by loss and litigation—all of which the testator deprecated.

In saying this the Executors trust that they do not pass the line of duty or propriety: they covet no control, and simply say, that it will give them pleasure to co-operate with the city authorities in faithfully carrying the testator's intentions into early and efficient execution.

With this representation, the executors present a plan of the proposed improvement, and a statement, explanatory of the work to be done, as well as of measures adopted for its progress and completion.

TIMOTHY PAXSON,  
THOS. P. COPE,  
JOSEPH ROBERTS,  
W. J. DUANE,  
JOHN A. BARCLAY.

*Philadelphia, January 12, 1832.*

The plan referred to and sent herewith, is marked No. 1.

The description, No. 2.

The Houses on Chesnut street, are to be built on the front of the lot fifty feet deep. Piazzas eighteen feet six inches deep—sitting room and kitchen thirty-six feet deep, with bath house attached, the house on each corner to be seventy five feet deep, and kitchens twenty-two feet deep. The front of the first story to be faced with marble agreeable to a model in our possession; to be four stories high, marble cornice, copper roof, with a sufficient rise to carry off the water, and a fancy iron railing at the top on the front and ends returning at the back of the corner houses.

The houses on the centre street are to recede twenty feet from the line of the street, to be four stories high, basement houses, the basement story to be entirely above the ground, main house to be the width of the lot in front, and forty feet deep—Piazzas seventeen feet six inches deep; there is to be a marble wall on the line of the street, returning on Eleventh and Twelfth streets, also to form a division between the houses with a fancy iron railing on said wall. The cornices of these houses is intended to be similar to those usually put on Mr. Girard's houses, copper roof, with an elevation sufficient to carry off the water.

The buildings on Market street are intended entirely for stores, to be built the width of the lot in front and sixty feet deep, with an area in the rear to give light to the cellar; to be four stories high, copper roof, with elevation sufficient to carry off the water, cornice to be the same as on the houses in the middle street, to be made fire proof.

The whole of the above work to be done with the very best materials, and the workmanship done in the very best manner.

The following are the names of the workmen employed by Mr. Girard to do the above work:

Joseph Smith, Carpenter.  
John Struthers, Marble Mason.  
William Ingraham, Stone Mason.  
John Willits, Bricklayer.  
Abraham Whetstone, Plasterer.  
Thomas Dougherty, Carter and Digger.  
Richard T. Cumming, Copper Smith.  
George Swope, Painter.  
John Scattergood, Carter of Lumber.  
Robert Looney, Plumber.  
Abraham Marple, Lime burner.  
Samuel Fox, Brickmaker.

Mr. PETTIT, as chairman of the committee on the re-

vised ordinances, reported an ordinance relative to the cording of wood, which was laid on the table.

Mr. DUANE, as chairman of the committee on GIRARD'S LEGACY, made the following report and resolutions.

*To the Select and Common Councils of the City of Philadelphia.*

The committee appointed to consider and report "What measures ought to be adopted, in order that the Mayor, Aldermen and Citizens of Philadelphia may promptly and faithfully execute the trusts created by the Will of the late Stephen Girard," respectfully report:

That having carefully and deliberately considered the matters submitted to them, they have agreed to report at present in part by recommending to Councils, the adoption of the following preamble and resolutions:

Whereas, the Executors of the last Will of Stephen Girard, deceased, have delivered to the constituted authorities of the city of Philadelphia, a rent roll or list of certain real estate, in the city and the liberties thereof, constituting a part of the residuary estate devised by the said testator to the Mayor, Aldermen and Citizens of Philadelphia, in trust for the uses declared in his Will: and whereas, until such permanent arrangements as the testator contemplated, shall have been made by the city of Philadelphia respecting the devises and bequests of the said testator to the said city, it is necessary to adopt temporary but efficient measures: therefore,

Resolved, that the Mayor of the city of Philadelphia be, and he is hereby authorised and requested, to take charge of the real estate described in the said rent roll, or such other rent roll as may be hereafter delivered to him, to notify the tenants of such parts thereof as are under rent, of their future liability to the city of Philadelphia—and to let such parts thereof as are now unoccupied to good and sufficient tenants, on reasonable rents, for any term, not exceeding one year.

Resolved, that the Executors of the late Stephen Girard's will, shall be and they are hereby authorised, until otherwise directed by the constituted authorities of the city of Philadelphia to hold and occupy free of rent such parts of the real estate of the said testator, as were in his use and occupation, in the prosecution of his business, at the time of his decease.

Resolved, that the city treasurer be and he is hereby authorised and directed,

First—To receive from the Executors of the last will of the late Stephen Girard, such deeds and muniments of title for the estate devised to the city of Philadelphia, by the said testator as the said Executors shall deliver to him, and to give them receipts for the same in the name of the Mayor, Aldermen and citizens of Philadelphia.

Second—To receive and collect all monies due and becoming due to the city of Philadelphia, as rents for the real estate described in the above mentioned rent roll, or such other rent roll as may be hereafter delivered, and to give receipts for the same in the name of the Mayor, Aldermen and citizens of Philadelphia.

Third—To keep in a book or books to be provided for the purpose, exact entries of all monies received, so that the same may be transferred to such officer or Board of Directors as may hereafter be appointed to have the charge of the Girard Fund.

Fourth—To deposit in bank, in the names of the Mayor and Treasurer of the city of Philadelphia, jointly, all such monies as shall be received aforesaid, that the said monies shall be kept distinctly, and not mingled with any others, and that they may be transferred to those who may be hereafter appointed to have the care and custody thereof."

Mr. DUANE moved to proceed to the consideration of the resolutions attached to the report, when Mr. Groves moved to postpone the consideration for the purpose of having them printed—the yeas and nays were called on the postponement, and were yeas, Groves, Neff, Pettit



and Worrell—4. Nays, Duane, Johnson, Lippincott, Massey, Scott and Toland—6, and so it was lost. The resolutions were then adopted by both Councils.

Mr. DUANE as chairman of the Watering Committee, made the annual report which was ordered to be printed.

Mr. JOHNSON offered the following resolution which was adopted.

Resolved, that the president and clerks of Councils, be directed to transmit to the speakers of the senate and house of representatives of this commonwealth, certified copies of the will of S. G., together with a letter stating the existence of a committee upon this subject, and the intention of Councils to make further communications as soon as they shall have formed an opinion upon the character of the Laws which it may be necessary to ask for in order to carry the provisions of the will into effect.

The Treasurer made his annual report.

**COMMON COUNCIL.**—Mr. OLDENBURG offered the following resolution, which was adopted by the Common Council, but was laid on the table in the Select Council.

Whereas, several individuals have at different times made bequests to the Mayor, Aldermen and citizens of Philadelphia, in trust for certain purposes, which are more particularly expressed in the wills of the several testators, amongst whom are Dr. Benjamin Franklin, John Scott, of Edinburgh; Elias Boudinot, James Wills, and recently, Stephen Girard, together with some others; and it being desirable that each member of Council should be fully informed on the subject:

Therefore Resolved, by the Select and Common Councils, that the clerks of Councils be, and they are hereby directed to have 300 copies of the Wills, or so much thereof, as the city may be interested in, of all the individuals except the will of the late Stephen Girard, which they are directed to purchase of the edition already published, who have made any bequest to them in trust or otherwise, and to have the whole printed in pamphlet form, for the use of Councils, and charge the expense thereof to appropriation No. 21.

Mr. CORNELIUS STEVENSON, was unanimously re-elected Treasurer of the city for the ensuing year.

Councils adjourned to meet on Saturday evening next.

SATURDAY, January 14th, 1832.

**SELECT COUNCIL.**—The following letter from the Mayor of the city, enclosing one from the Executors of the late Stephen Girard, was received and referred to the committee on that fund with power to take counsel if they think proper.

MAYOR'S OFFICE, 2  
January 14th, 1832. 5

*To the President of the Select and Common Councils.*

Gentlemen—I present a third communication from the Executors of Stephen Girard, with a further description of real estate, and referring to considerations connected therewith, all of which is respectfully submitted.

Very respectfully, Yours,

B. W. RICHARDS.

PHILADELPHIA, January 14th, 1832.

Sir—The Executors of the will of Stephen Girard, respectfully present, through you, to the Select and Common Councils of this city, a third description of certain real estate, of which the testator died seized; and, in order that the destination of a part of that property may become the subject of consideration, they make known to Councils the dates of the several purchases, made by the testator, subsequently to the last republication of his will, namely, the 20th of June, 1831.

Whenever the Executors shall have any other information which it may be their duty to communicate,

or which they may suppose the city Councils would desire to possess, they will furnish it with promptitude and pleasure.

Respectfully,

TIMOTHY PAXSON,  
THOS. P. COPE,  
JOSEPH ROBERTS,  
W. J. DUANE,  
JOHN A. BARCLAY.

B. W. RICHARDS, Mayor.

Schedule of the real estate of Stephen Girard, not under rent and not heretofore returned to Councils.

A lot of ground on the east side of Fifth street, between Market and Chesnut streets, north of the property occupied by Mr. Sully and south of Mr. Sheaff's property. Mr. Sully has the use of this lot for a garden. A lot of ground back of the property occupied by Mr. Sully, and of Mr. Blake's property, entrance to which, is under the arch-way.

A lot of ground on the north side of Jones' alley, on which is erected a building used as a carpenter's shop by Mr. Joseph Smith; held under a lease during the minority of Charles H. Bell at \$45 per annum, and the taxes.

Sundry lots of ground in the Northern Liberties and Penn township as per plan herewith.

#### SCHEDULE

Of the real estate of Stephen Girard, purchased subsequent to the 20th June, 1831.

		DOLLS.	CTS.
1831.			
Oct. 5.	Two houses and lots on Walnut street, between Second and Dock streets, Nos. 63 and 65, and one house and lot on Dock street, No. 61,	10,666	67
Do. 27.	A lot of land in Passyunk township, containing 60 acres 87 perches, per deed of this date,	6,659	81
Do. 27.	A ground rent of \$25 60 per annum, payable by Philip Smith, out of a lot of ground in Spruce street between Third and Fourth streets, due 25th March and September, in every year, per deed of this date,	569	74
Do. 27.	A house and lot on the north side of Coates' street, west of Sixth street, per deed of this date,	3,000	00
Nov. 2.	A lot of ground on the N. E. corner of Coates' and John streets, per deed of this date,	1,800	00
Do. 4.	A house and lot in south Third street, No. 43, per deed of this date,	12,000	00
Dec. 1.	A message and lot of ground in Passyunk township, having a front on Schuylkill, per deed of this date,	3,000	00
Do. 21.	Stores, wharf and dock in north Water street, between Market and Arch streets, late Stiles' estate, deed dated this day, taken subject to a mortgage for \$21,000, residue paid,	24,222	33
Do. 26.	A lot of ground in Schuylkill county, near Mount Carbon, on the river Schuylkill, intended for landings, per deed dated—instant,	4,500	00
		67,273	16
	Deduct,	854	61
		\$66,419	55

Mr. DUANE offered the annexed resolution relative to the articles of agreement with the commissioners of Moyamensing for the supply of Schuylkill water, which was adopted by both Councils.

Resolved, that the articles of agreement, entered



into on the sixth of January, 1832, between the Mayor, Aldermen and Citizens of Philadelphia, of the one part, and the inhabitants of the township of Moyamensing, of the other part, be and they are hereby approved of and confirmed.

Mr. DUANE as chairman of the committee on Wills' Legacy, made the following report and resolution, which were agreed to.

The committee appointed on Wills' Legacy, report: that after mature deliberation, they have agreed to the plan herewith submitted, as drawn by Thomas U. Walter, and are of opinion that it will be most prudent at present to erect a central building only to be seventy feet front, by fifty feet in depth, the basement story to be arched with bricks, the floor of the first story to be elevated seven feet above the pavement, and the ceiling fifteen feet in height. The second story to be twelve feet, and the whole of the main building to be covered with a copper roof. The south front to have a piazza its whole length, and twelve feet in width. The north front to have a portico, as per plan.

The kitchen, two dining rooms, and other small rooms, will be in the basement story.

The first story will contain a chapel, apartments for the keepers, and accommodations for eighteen inmates.

The second story will contain chambers sufficient to accommodate thirty-two inmates.

The stairs throughout to be made of granite, and the pilasters of the same material.

The outside walls to be built of stone and roughcast; the partitions to be bricks.

The whole expense of the building as estimated by Mr. Walter, amounts to sixteen thousand dollars.

Resolved, that the committee be authorised to make contracts to carry the plan into effect as above specified.

Mr. DUANE offered the annexed resolution, which was adopted.

Resolved, that the Presidents of Councils be and they are hereby requested to address letters, one to the guardians of the poor, and another to the commissioners for erecting buildings for the accommodation of the poor, requesting them to furnish to the Select and Common Councils of the city of Philadelphia, a statement of the sum expended in constructing the buildings on the west side of Schuylkill, and of the sum deemed necessary for the completion thereof.

COMMON COUNCIL.—Mr. HOON from the committee on markets, made the following report and resolution which were agreed to.

The committee on markets, to whom was referred the Victuallers' petition, on the 24th Nov. 1831, report,

That they are of opinion that the new ordinances which will shortly go into operation, will in a great degree, meet the requests of said petitioners, and afford them all necessary protection.

They therefore submit the following resolution:

Resolved, that the committee be discharged from the further consideration of said petitioners.

The annexed communication from the trustees of Stephen Girard's bank, was received, and referred to the committee on that subject.

PHILADELPHIA, 14th January, 1832.

James Page, Esq. President of the Common Council.

SIR—I am instructed by the trustees of Stephen Girard's bank to inform you, that there are several real estates belonging to the estate of Stephen Girard, Esq. which stand on the books of his bank as part of the capital stock thereof. That there are circumstances connected with some of this property, which in the opinion of the trustees, will require early attention; and they respectfully submit to the consideration of Councils, the propriety of appointing a committee to receive from them such information on the subject as the trustees now have it in their power to give.

I am, with great respect,  
ROBERT WALN,  
Chairman of the Board of Trustees of S. Girard's Bank.  
*Philadelphia Gazette.*

## PROCEEDINGS OF THE MILITARY CONVENTION,

*Which assembled at Harrisburg, Pennsylvania,  
Monday, January 2, 1832.*

The delegates chosen by the different Military Divisions and Brigades of Pennsylvania, met at the court house in Harrisburg on the first Monday of January, 1832.

On motion of Mr. Simpson,  
HENRY FRICK, of Northumberland county was called to the chair; and

On motion of Mr. Franklin,  
REAH FRAZER, of Lancaster, secretary, for the purpose of organizing the convention.

On motion,  
Messrs. Franklin, Alexander, of Cumberland, Paxton, Hambright, and Spencer, were appointed a committee to examine the credentials of the delegates.

On motion,  
The Convention adjourned until 12 o'clock, noon.  
At 12 o'clock, the Convention again met.

Mr. Franklin, from the committee appointed to examine the credentials, reported the following list of delegates, viz:

### FIRST DIVISION.

*City and County of Philadelphia.*

1st BRIGADE—*City.* Colonels James Page, Joseph S. Riley, Henry Simpson. Robert M. Lee,† Robert Cooper, Majors Chalkley Baker, Peter Fritz, William C. Browne,† Lieut. George Bumm,†

2d BRIGADE—*County.* Cols. John Thompson,† John L. Wolf,† A. L. Roumfort,† Kenderton Smith,† Majors N. Nathans, L. Bomeisler,† Franklin Vansant, Captains Joseph Worrell, jr. A. T. Smith,† Lieut. James Goodman.

### SECOND DIVISION.

*Bucks and Montgomery.*

1st BRIGADE—*Bucks.* Major General W. T. Rogers, Cols. John Davis, Simpson Torbert, Joseph Hough,† Lieut. Cols. Thomas Purdy, John Hart, Major Stephen Brock,† Adj. Michael S. Haney,† Dr. Huston Thompson.

2d BRIGADE—*Montgomery.* Lieut. Cols. Thomas M. Jolley,† James Bush,† James Christman,† Major John H. Sheetz, Captain John H. Hill,† Lieuts. William Hamell,† William Matheys,† William H. Gartley.

### THIRD DIVISION.

*Chester and Delaware.*

1st. BRIGADE—*Delaware.* Col. Samuel A. Price, Lieut. John K. Zeilin, J. M. G. Lescure, Esq.

2d BRIGADE—*Chester.* Col. Wm. Harris,† Em. Elton,† Majors Thomas Jones,† John Kerlin, Thomas H. Pearce,† Lieut. David B. Reed.

### FOURTH DIVISION.

*Lancaster.*

Capt. David Miller, Major Frederick Hambright, Capt. Wm. Downey, Col. Reah Frazer, Cpts. John Flora,† William G. Yetter,† Lieut Wm. B. Fordney, Major John McGlaughlin.

### FIFTH DIVISION.

*York and Adams.*

1st. BRIGADE—*York.* Majors Henry Snyder, Jacob Hantz,† Cols. T. N. Haller,† John Keller, Major Graham,†

2d BRIGADE—*Adams.* Col. Michael C. Clarkson, Majors Andrew G. Miller, Jacob Sanders, Elijah Garretson,†

### SIXTH DIVISION.

*Dauphin, Lebanon, Berks and Schuylkill.*

1st BRIGADE—*Dauphin.* Col. W. S. Franklin, Lieut. John Blattenberger, Capt. E. W. Roberts.

2d BRIGADE—*Schuylkill.* Major William F. Dean, Berks. Gen. William High, Col. Henry Boyer, John Potteiger, Esq.

### SEVENTH DIVISION.

*Northampton, Lehigh and Pike.*

1st BRIGADE—*Northampton.* Brig. Gen. Shimer,†



Col. George Weber, Major Robert May Brooke,† Col. John Hourten.†

2d BRIGADE.—*Lchigh.* Major General John Fogle, Major John W. Hornbeck, Col. Walter C. Livingston.

#### EIGHTH DIVISION.

*Union, Columbia, Northumberland, Luzerne, Susquehanna and Wayne.*

1st BRIGADE—*Union.* Col. Charles M. Straub, Capt. James Merrill.

*Northumberland.* Major General Henry Frick, Major Samuel J. Packer.

*Columbia.* Col. Joseph Paxton.

2d. BRIGADE—*Luzerne.* Capt. Jacob Drumheller, Col. John Butler,† Lieut. Charles Dorrance.†

#### NINTH DIVISION.

*Lycoming, Potter, M'Kean, Bradford and Tioga.*

1st BRIGADE—*Lycoming.* Gen. William B. Mitchell, Major Robert Fleming, Capt. Wm. Piatt.

#### TENTH DIVISION.

*Centre, Clearfield, Mifflin and Huntingdon.*

*Juniata.* Col. Wm. Kirk, Capt. John Murphy, Andrew Parker, Charles W. Kelso, Esqs. Major William Sharon.

*Huntingdon.* Capt. John Criswell, Major David McMurtrie, Capts. William Williams, David Snare.

1st BRIGADE—*Centre.* Brig. Gen. James Irwin,† Col. Col. Andrew Gregg,† Major John Potter, Capt. Saml. H. Wilson, Lieut. W. W. Houston, Dr. Constant Curtin, Capts. George Buchanan, David Duncan.

*Mifflin.* Brigadier General George McCullough, Dr. Joseph B. Ard, Majors A. S. Wilson,† David Cummins, Richard Miles.

#### ELEVENTH DIVISION.

*Cumberland, Perry and Franklin.*

1st BRIGADE—*Cumberland.* General Willis Foulke, Captains Samuel Alexander, James M'Gowan,† John M'Cartney, Charles M'Clure, Lieuts. Matthew Spencer, Edward M. Biddle, Alexander Oliver,† William S. Ramsey, Adjutant John N. Gray, Cols. William M. Greer, William Stough, Majors Peter Leshner,† Samuel Tritt, John M'Candlish, Captains Geo. W. Woodburn, Samuel Redett.

*Perry.* Cols. Henry Fetter, Joseph Speck, Major William Clark, Lieut. Albert C. Ramsey.

2d BRIGADE—*Franklin.* Major Jacob Heck, Capts. Jasper E. Brady, William B. Bard, Cols. John Wallace, John M'Geehan.

#### TWELFTH DIVISION.

*Bedford, Somerset and Cambria.*

1st BRIGADE—*Bedford.* Col. William Compher, Capt. Thomas B. M'Elwee, Lieut. William Fletcher.†

2d BRIGADE—*Cambria.* Major Isaac Teeter, Lieut. Arnold Downing.

#### THIRTEENTH DIVISION.

*Westmoreland and Fayette.*

1st BRIGADE—*Westmoreland.* Major John B. Alexander, Adjutant J. H. Wells, Capts. Morrison Underwood, Hugh Y. Brady, Jacob Gosser, Major Wilson Jack,† Capt. Joseph Cook,† Jon. Row,† Lieut. L. L. Bigelow, Capt. Ben. R. Marchand.†

#### FOURTEENTH DIVISION.

*Washington and Greene.*

*Washington.* Major General Charles De Hass,† Brig. General Wallace M'Williams, Cols. Thomas Ringland, William Patterson, William Waugh, Esq.

*Greene.* Cols. William G. Hawkins, Andrew Buchanan.

#### FIFTEENTH DIVISION.

*Allegheny, &c.*

1st BRIGADE—*Allegheny.* Gen. R. T. Stewart,† Andrew Bayne, Esq.

[Those marked with a dagger (†) did not take their seats in the convention.]

The roll being called, 83 members answered to their names.

On motion of Mr. M'Elwee, the following resolution was adopted:

Resolved, that a committee be appointed, to consist of one person from each division, to be chosen by the delegates for each division, in order to report what officers are necessary for this convention, and to nominate persons to fill them.

Whereupon,

The following persons were appointed said committee:

1st Division,	Mr. Page,
2d "	Davis,
3d "	Price,
4th "	Hambright,
5th "	Miller, of Adams,
6th "	Roberts,
7th "	Fogle,
8th "	Paxton,
9th "	Fleming,
10th "	Williams,
11th "	M'Clure,
12th "	Downing,
13th "	Wells,
14th "	M'Williams.

On motion of Mr. Ringland,

Resolved, that when this convention adjourn, it will adjourn to meet at 3 o'clock, P. M.

Adjourned.

#### IN THE AFTERNOON.

On motion of Mr. Fordney,

Resolved, that the Governor, Heads of Departments State Treasurer, Adjutant General, and the Members of both branches of the Legislature, be invited to take seat within the bar of this convention.

On motion of Mr. Straub,

Resolved, that a committee of five be appointed to carry the preceding resolution into effect.

Whereupon,

Messrs. Straub, Page, Fordney, Riley and Brady of Franklin, were appointed said committee.

Mr. Page, from the committee appointed for that purpose, reported the following officers for the convention.

President—JOHN B. ALEXANDER, of Westmorel'd.

Vice Presidents—WM. B. MITCHELL, of Lycoming,

WILLIAM DOWNEY, of Lancaster,

WILLIS FOULKE, of Cumberland, and

SAMUEL A. PRICE, of Delaware.

Secretaries—Simpson Torbert, of Bucks, and

Walter S. Franklin, of Dauphin.

A motion was made,

That the report of the committee be adopted.

Which was agreed to unanimously.

The several officers of the convention then took their seats.

Mr. Davis announced that Dr. Huston Thompson had been appointed to supply a vacancy in the delegation from the 1st Brigade, 2d Division.

A resolution was then offered by Mr. Miller, which was read as follows:

Resolved, that no division or county be allowed more votes in this convention than their respective votes by members in the legislature, but that the members elected or nominated and accepted, be allowed seats in the convention.

The chair decided that the resolution was out of order.

An appeal from the decision of the chair was made by Mr. Miller and Mr. Simpson, and the decision of the chair was confirmed by the convention.

On motion of Mr. Roberts,

Resolved, that the editors of papers in this place be admitted to seats within the bar of this convention.

On motion of Mr. Alexander, of Cumberland,

Resolved, that a committee to consist of one from each division be appointed to suggest such matters as are most deserving of attention from this convention.

Which was agreed to.

The following gentlemen were selected by the delegates from each division, as said committee.



1st Division,	Mr. Page,
2d    "	Sheetz,
3d    "	Zeilin,
4th   "	Fordney,
5th   "	Snyder,
6th   "	Franklin,
7th   "	Weber,
8th   "	Merrill,
9th   "	Fleming,
10th  "	Wilson,
11th  "	Alexander,
12th  "	M'Elwee,
13th  "	Brady,
14th  "	Ringland,
15th  "	Bayne.

A motion was made by Mr. Alexander, of Cumberland, that the convention should sit in uniform.

Which was not agreed to.

On motion of Mr. Simpson,

Resolved, that when this convention adjourns, it will adjourn until to-morrow morning at 11 o'clock, A.M.

Adjourned.

## TUESDAY, January 3, 1832.

The convention met, and the roll being called, ninety-six members answered to their names.

On motion of Mr. Nathans,

The following resolution was adopted:

Resolved, that the convention adopt for their government, the rules and regulations adopted by the house of representatives of this state.

Mr. Riley, from the committee appointed to invite the governor, heads of department, state treasurer, and the members of the senate and house of representatives, to take seats within the bar of the convention, reported that they had performed that service.

On motion of Mr. Miller, of Adams,

The foregoing committee were instructed to extend the invitation to the attorney general of the commonwealth.

After some time, the governor, heads of department, state treasurer, and attorney general, took their seats.

A motion was made by Mr. Ramsey and Mr. Wells,

To reconsider the vote agreeing to the resolution, adopting the rules and regulations of the house of representatives of this state, for the government of the convention,

Which was not agreed to.

Mr. Page, from the committee on the subject, made the following report, in part.

That inasmuch as it is universally conceded, that the present militia system has fallen far short of the grand object for which it was established, and has entailed much ignominy and disgrace upon our military reputation; we deem it expedient that it should be made the subject of amendment, reformation or encouragement, as will best answer the purpose of reclaiming its character from the obloquy which it has incurred. In an examination of the various plans suggested, the committee have been actuated by a strong and earnest desire to select that which may be the means of adding to the strength and character of the state, and of rendering the performance of duty on the part of its citizen soldiers a matter of pleasure and pride.

Not authorized by the tenor of the resolution by which they were appointed, to do more than draw the attention of the convention to such matters as may be necessary for their examination, they respectfully offer the following principles as the basis of a system, to be recommended to the early and serious attention of the legislature.

*First.* That the citizens of this commonwealth, liable to militia duty, ought to be divided into two classes.

*Second.* That all such citizens (not by law exempt) between the ages of twenty-one and twenty-six years, ought to compose the first class, and be called the *Active Militia*.

*Third.* That this class only ought to be subject to drill, or military duty in time of peace.

*Fourth.* That the second class shall be composed of all persons liable to militia duty, not embraced within the first class, and be called the second, or reserved class.

*Fifth.* That the second class ought not to be required to do military duty, except when called forth to execute the laws, to suppress insurrections, and to repel invasions, and then such organization ought to be adopted, as should unite the two classes into one.

*Sixth.* That all parades of ununiformed militia ought to be abolished.

*Seventh.* That the first class be required to uniform themselves; that they be furnished with arms and accoutrements, camp equipage, music, powder, and five days rations in each year, and be required to parade for drill and instruction, five days in each year.

*Eighth.* The committee, by reason of the peculiar locality of the first division, recommend that the convention refer to the delegates from that division, to prepare and report a system suitable to that division, so far as it is necessary the same should vary from the general system.

The first resolution being under consideration,

A motion was made by Mr. Merrill,

To postpone the question on the first resolution, for the purpose of considering the 8th resolution,

Which was agreed to; and

Said resolution was adopted.

The question recurring on the first resolution,

It was adopted.

The second resolution being under consideration,

A motion was made by Mr. Miller, of Adams,

To postpone the further consideration of the report, for the purpose of considering the following resolution:

Resolved, that the committee be instructed to report a plan, for the better organization and encouragement of the present volunteer force, and that they be a separate force from the enrolled militia; and that parades of the militia be abolished, but they to be enrolled, officered, and classed for service, if required by any contingency.

Which was not agreed to.

A motion was then made by Mr. Frick,

To amend the resolution, by striking out "twenty-six," and inserting in lieu thereof "twenty-eight."

On the question,

Will the convention agree to the motion?

A motion was made by Mr. Wilson,

That the convention now adjourn, to meet this afternoon at 3 o'clock,

Which was agreed to.

## AFTERNOON.

Captain John Longenecker, and Henry D. Overholzer, Esq. having been appointed by the delegates from the 4th division, to fill the vacancies occasioned by the non attendance of Captains Flora and Yetter, appeared and took their seats.

The following resolution was offered by Mr. Staub:

Resolved, that where vacancies may have occurred, by the non-attendance of delegates from any brigade, the delegates in attendance have authority to supply the vacancy;

Which was not agreed to.

The convention resumed the consideration of the resolutions attached to the report of the committee appointed to suggest to the convention such matters as deserved their immediate attention.

The question recurring,

Will the convention agree to the amendment, to strike out "twenty-six" and insert "twenty eight." It was determined in the negative.

A motion was then made by Mr. Davis,

To strike out the words "between the ages of twenty-one and twenty-six," and inserted in lieu thereof, "as will uniform themselves voluntarily according to law."



On the question,

Will the convention agree so to amend?

A motion was made by Mr. Dean,

To amend the amendment, by adding thereto the following: "And that every such citizen between the ages of twenty-one and forty-five, who will not equip himself, shall pay, a certain sum in lieu thereof for the encouragement of volunteers and of the first class of militia."

Which was agreed to.

The question recurring,

Will the convention agree so to amend?

On motion,

The convention adjourned.

[To be Continued.]

## YORK AND MARYLAND RAIL-ROAD.

At a meeting of the citizens of the city and county of Philadelphia, held agreeably to public notice, at the District Court room, on Tuesday, January 17, at 3 o'clock, P. M. to take into consideration what measures ought to be used relative to the York and Maryland Line Rail-road Bill, now before the legislature, the following gentlemen were appointed officers:

PRESIDENT,

WILLIAM RAWLE, ESQ.

VICE-PRESIDENTS,

GEORGE N. BAKER,  
ROBERT PATTERSON,

RICHARD PALMER,  
ROBERT TOLAND, Esq'srs.

SECRETARIES,

Robert Morris,

Wm. M. Meredith, Esq'srs.

JOSIAH RANDALL, Esq. opened the meeting with pertinent remarks, and introduced the following preamble and resolutions, which were adopted with great cordiality.

The citizens of the city and county of Philadelphia have again assembled in town meeting to offer their respectful remonstrance against the passage into a law of the bill, now before the legislature, to incorporate the York and Maryland Line Rail-Road Company; we have more than once expressed our conviction of its impolicy and injustice, our opinions have heretofore been listened to by the legislative wisdom of the commonwealth, and subsequent experience has confirmed us in the solidity of our former objection to this measure.

The basis upon which the present canal and rail-road system of Pennsylvania was originally predicated, was to knit together and identify the interests of the eastern and western parts of the state by intimate and expeditious intercourse, and by facilities afforded to the conveyance of produce; upon no other expectation, it is believed, would this system ever have been adopted, and upon its fulfilment was a large portion of the capital subscribed, which has since been disbursed in internal improvement. The contemplated rail-road, so far as it shall take effect, will virtually destroy this object; it will sever the interests of the eastern and western part of this state, it will under all changes and circumstances keep them asunder, and at all times present to them subjects of collision both in feeling and in interest. We feel justified in affirming that the plan is not only unwise in itself, but that it is a virtual violation of the solemn compact upon which our system of internal improvement was originally proposed and adopted.

The friends of the York and Maryland line rail-road have earnestly urged that the proposed route to the Maryland line, and from thence to Baltimore, will afford to the owner of produce a choice of markets. Hitherto this has been but a theoretical advantage, it is believed that it never can nor will be an advantage of much moment; if it ever should be, the proper time will then have arrived to consider its force and efficacy. The legislature will recognise the justice of legislating for the whole community; and that when any

measure may be even comparatively advantageous to one portion of the commonwealth, but highly injurious to another portion, its policy must be more than doubtful. The York and Maryland line rail-road may afford to the owner of produce residing north and west of the county of York, an additional market, and this additional market may in some small degree be an advantage to such owner, but it is founded upon a total loss of the trade to the whole eastern part of the state, and a serious injury to the revenue of the commonwealth.

The proposed rail-road will intersect the line of the Pennsylvania western communication at the most favorable point in the county of York, and diverging from it, will offer to the carrier of produce a greater facility to take it to the city of Baltimore than continue on the route to the city of Philadelphia. From the point where the produce leaves the state, until the return commodity again reaches it, it is a total loss to the city of Philadelphia, the eastern part of the state, and a comparative loss to the revenue of the whole commonwealth. We lose the tolls in bringing it to Philadelphia, the profit and employment attendant upon its transportation, the gain arising from the various modifications of sales, barter, and re-sales by auction or retail, within our own state, the purchase in the same manner of the return article, and the tolls and benefit attendant upon its transportation back to the diverging point where the original produce was taken, from the limits of our own state. In fact, we lose the trade and all its advantages, immediate and remote, by our own legislative enactments transfer it to other hands, and this evil is only limited by the extent to which the proposed rail-road will afford public convenience. If trade within the state be a benefit, then we unvoluntarily authorise that trade to be taken from ourselves and delivered to others.

Such is the result of the matter, so far as regards our own citizens; but this is a limited view of the subject, 4-5th parts, perhaps 19-20th parts of the trade of Philadelphia, beyond the county of York, proceed from the north-western and south-western states and territories; and, as to that portion of our trade, this presentation of a double market is nothing more than the result of expending our resources in enabling our old customers to leave us, and grant them facilities to go elsewhere. To render the injustice more manifest, our customers resident in the western states and territories have never intimated, much less requested, the advantage of this additional market, and the line of communication is to be kept in repair at the expense of the whole state.

The citizens now assembled, know that their views have been stigmatized as narrow and illiberal. So far as a desire to promote the prosperity of their own community, to watch most sedulously over its interests, and to preserve its present commercial advantages, may be obnoxious to this remark, we freely acknowledge the imputation. We avow ourselves unwilling to see any system adopted, which shall transfer the trade and prosperity of Philadelphia to any other place, and the example of our friends and neighbors of the city of Baltimore affords an additional proof of the wisdom of those principles. Our legislative acts ought to liberate us from this charge, for they exhibit a course of the utmost liberality to other states, and more especially the state of Maryland.

Pennsylvania has expended millions in internal improvements, millions are yet to be expended to complete it; and all these sums have been collected from the common stock of the state. As we are proceeding to complete the chain of internal communication, it is proposed to draw off our trade from its regular course, to the city of Baltimore.

It was not until this enormous expenditure had been made, that we heard of the present rail-road to the Maryland line, and if no such line of communication had been commenced, we should never have heard of any such proposition. We are not hazarding these assertions without authority. A committee of delegates



from the Baltimore and York turnpike company, the Conewago canals, and the York Haven company, held in the city of Baltimore, on the 3d August, 1827, in exciting their citizens to renewed activity to effect this object, use the following language:

"If the rail-road in question was constructed, it would absorb the whole trade which now descends the Susquehanna." And again they say,

"If, on the other hand, we enter early into the field of competition, and improve our natural advantages, we make the efforts of our rivals tributary to our views, and they cannot make a foot of canal or rail way, erect a bridge, or pave a turnpike road, which does not necessarily lead the trade or commerce embarked upon it directly to our door.

"We have nothing in fact to do, but to take up the work where they (the Pennsylvanians) leave it, and to furnish at a trifling expense, a great line of internal communication, which the exertions of our spirited and enterprising neighbors have conducted within our reach."

We are solicitous to preserve the power to "make a foot of canal or rail-way," to "erect a bridge," and "pave a turnpike road," for our own advantage and our profit, and if this constitute a narrow and illiberal policy, we acknowledge the charge.

The peculiar site and relative position of the counties, constituting the southern line of the state, is well known and understood; towards these we have ever felt the most cordial feeling, and at all times cherished a hope that injustice should not be done to them. Whenever, therefore, a liberal policy can be extended towards these counties, without manifest and manifold injury to other parts of the state, it will receive our cordial support and hearty approbation.

This district affords the great source of revenue to the commonwealth—its ability to furnish revenue arises from its trade, foreign and domestic. So far as this trade is carried on with the citizens of our own state, it is a source of reciprocal advantage, and different parts of the state are respectively useful to each other—and so far as our trade receives legislative protection, we are indebted to the wisdom of the councils of our state. Under our former system, our city has continued to thrive and prosper, and the revenue of the commonwealth has continued to improve and increase. New sources of revenue have, from time to time presented themselves, and their exaction has been borne by our citizens without murmur or complaint. Since the meeting of the legislature, an event fully exemplifying this remark, has transpired. A citizen of Philadelphia, by means of great intellectual prowess, untiring industry, and the local advantages of his place of residence, had amassed a fortune in amount, on this continent, hitherto unexampled. His time to appear before another tribunal had arrived; in the distribution of his property he yields cheerfully to the taxation of his estate—submits to it without an attempt at evasion, and adds to it a legacy magnificent and unprecedented in liberality, to aid the cause of internal improvement throughout the commonwealth.

His genius and public spirit had prompted him to employ part of his capital in banking operations, and upon the withdrawal of that capital from its accustomed channel, additional bank or banks are supposed by many to be called for, and again our city presents new prospects of revenue to the commonwealth. How far the city and county of Philadelphia and the trade, merit the fostering care and protection of the constituted authorities of the commonwealth, the life and fortune of Stephen Girard, and his disposition of that fortune, after his death, will attest and establish.

The citizens now assembled firmly believe, that the law to incorporate the York and Maryland Line Rail-road Company, should not be enacted at any time; but that, in any event, the present is not the appropriate period. The chain of internal improvement in Pennsylvania is in a state of progressive completion; it is hoped it

will be consummated within a reasonable time; the practical effects of this stupendous plan will then be developed, and we shall be enabled to ascertain with more precision, than at the present time, to what extent the contemplated diversion of trade will be injurious to this district and the state at large. If the bill now under consideration is at this time passed, it is not impossible that the York and Maryland Line Rail-road may be finished before the rail-road from Columbia to the city of Philadelphia. If this should be so, the first fruits of our great system of improvement will be reaped by the capital of another state; the channels of trade will be constructed; and the difficulties attending the diversion of those channels, once established, are too well known to require any commentary to enforce their importance.

We therefore respectfully ask the legislature to pause. The passage of the bill once adopted, whatever may be its modifications, will be in effect, irrevocable, and never can be recalled. Under these impressions we therefore adopt the following resolutions:

1. Resolved, that this meeting have perceived with regret, that a bill is now under consideration before the legislature of Pennsylvania, to incorporate the York and Maryland Line Rail-road Company; and that they sincerely believe that the said rail-road, if completed, will divert a large portion of the western trade from the city of Philadelphia to the city of Baltimore.

2. Resolved, that the thanks of this meeting be presented to those members of the legislature, who have opposed the enactment into a law of the bill to incorporate the said company.

3. Resolved, that the conduct of those members of the legislature from the city and county of Philadelphia, who have opposed the York and Maryland Line Rail-road, have been in accordance with the known and avowed wishes of their constituents; and in the opinion of those constituents in accordance with the vital interests of the district which they represent, in the general assembly of this commonwealth, as well as of the state at large.

4. Resolved, that the members of the senate and house of representatives from the city and county of Philadelphia be, and they are hereby requested, to continue to use their utmost exertions to prevent the passage of the bill, now before the legislature, to incorporate the said company.

5. Resolved, that it is the interest of the commonwealth to preserve within itself its own resources and advantages; and that we deprecate any policy which would seek, by legislative provisions, to transfer its trade to the limits of another state.

6. Resolved, that the city and county of Philadelphia have, at all times, offered to the trade of the interior, an advantageous market, which their citizens and the constituted authorities of the commonwealth have successfully united in rendering to such trade every necessary facility; and there is no call on the ground of public convenience or private advantage to divert that trade to another place.

7. Resolved, that the increased and increasing trade of the city of Philadelphia and its precincts, is closely connected with the revenue and the wealth of the state, and that any measures which should depress our prosperity, would be found injurious to the interests of the state at large.

8. Resolved, that this meeting approve of a liberal and enlightened policy towards all parts of the state, more especially towards the counties constituting its southern line, and that any system of appropriation for their advantage, not wholly incompatible with the vital interests of other parts of the state, will receive the warm and decided approbation and support of this meeting.

9. Resolved, that we are deeply impressed with the pernicious policy of making experiments in matters of vital importance; yet, if the proposed incorporation of the York and Maryland Line Rail-road Company should,



at any time be granted, in the opinion of this meeting it ought at the present time be postponed; and that under no circumstances whatever, should it be authorised until the line of communication between the eastern and western parts of the state has been completed, and its practical effects have been fully developed; when the injury consequent upon the proposed act of incorporation, may be more satisfactorily examined and determined.

10. Resolved, that a committee of correspondence and superintendence be appointed, and that they be authorised to adopt such measures as they may think expedient to carry into effect the object of this meeting.

Whereupon the following gentlemen were appointed that committee:—

William Rawle, Geo. N. Baker, Robert Patterson, Richard Palmer, Robert Toland, T. C. Rockhill, J. Randall, Jacob Souder, R. Renshaw, John Naglee, Thos. Cave, Thomas Hart, Wm. Wagner, Augustin Stevenson, Thomas D. Grover, Lemuel Paynter, Thomas M. Pettit, James Harper, Wm. M. Meredith, T. P. Hoopes, W. G. Alexander.

11. Resolved, that copies of the proceedings of this meeting, signed by the officers, be transmitted to his Excellency the Governor of the commonwealth, and to the speakers of the senate and house of representatives of the commonwealth, with a request to have them laid before the honourable bodies over which they respectfully preside.

Resolved, that the proceedings of this meeting be published.

WILLIAM RAWLE, President.

GEORGE N. BAKER,  
RICHARD PALMER,  
R PATTERSON,  
ROBERT TOLAND, } Vice Presidents.

ROBERT MORRIS,  
WM. M. MEREDITH, } Secretaries.

The following are the number of bushels of the different sorts of grain, (salt coastwise) and coal discharged at the port of Philadelphia, for the year 1831:

Corn, ..... (bushels.) 420,353  
Wheat, ..... 201,878½  
Rye, ..... 47,711¼  
Barley, ..... 62,846½  
Oats, ..... 90,372¼  
Flax seed, .. 5,715½  
Beans and Peas, ..... 1,643½  
Clover and Timothy seed, ..... 2,132

823,653¾

Coal, ..... 123,143  
Salt, ..... 38,143½

993,939¾

GEO. M. HECKMAN, Measurer.

#### Presentment of the Grand Jury of Bucks County.

The Grand Inquest inquiring in and for the county of Bucks, respectfully represent: that they have observed with surprise and regret, a resolution of a majority of the board of commissioners, to exclude all religious meetings from our court house, as though religion were a matter unworthy the attention of the people, or as a matter not suitable to be introduced into the halls of justice, while it appears that the doors are opened freely, not only for political and general county purposes, but indiscriminately for all other purposes than those of a religious and moral nature. We do, therefore, express our entire disapprobation of the measure, believing it to be avcrse to the enlightened and liberal views of the citizens of our county, and would therefore recommend that the doors be opened to all regular and well recommended ministers of the Christian religion,

and for purposes calculated to promote the moral and general welfare of the people of the county.

GILES KNIGHT, Foreman.

#### STATISTICS OF GERMANTOWN TOWNSHIP.

Number of taxable inhabitants, for 1832, 1024

Labourers, .....	129	Coach-makers, .....	12
Farmers, .....	108	Cabinet-makers, .....	13
Cordwaners, .....	92	Paper-makers, .....	11
Coopers, .....	56	Saddlers, .....	9
Hatters, .....	56	Physicians, .....	8
Carpenters, .....	40	Comb-makers, .....	6
Victuallers, .....	40	Gardners, .....	6
Manufacturers, .....	37	Printers, .....	6
Weavers, .....	36	Bakers, .....	5
Black-smiths, .....	30	Spinners, .....	5
Carters, .....	24	Painters, .....	4
Millers, .....	19	Skin-dressers, .....	4
Tailors, .....	20	Calico-printers, .....	4
Hosiery, .....	18	Dyers, .....	3
Masons, .....	22	Tobacconists, .....	3
Teachers, .....	13	Brush-makers, .....	3
Wheel-wrights, .....	13	Clock-makers, .....	3
Tallow-chandlers, .....	3	Button-makers, .....	3
Trimmers, .....	2	Barber, .....	1
Bleachers, .....	2	Gun-smith, .....	1
Tinmen, .....	2	Brewer, .....	1
Drum-makers, .....	2	Last-maker, .....	1
Glove-makers, .....	2	W. Chair-maker, .....	1
Stone-cutters, .....	2	Saddletree-maker, ....	1
Tanners, .....	2	Inn-keepers, .....	14
Book-binders, .....	2	Store-keepers, .....	28
Curriers, .....	2	Apothecaries, .....	3
Scriveners, .....	2		

Acres of land, - - - - 5,799¼

117 lots supposed to contain ⅓ of an acre, - - - - 14½—5,813¾

Dwelling-houses, - - - - 731

Horses over four years of age, - - - 557

Cows over four years of age, - - - 750

Dogs, - - - - 461

*Germantown Telegraph.*

A Statement showing the two extremes of Fahrenheit's thermometer, situated where there was a free circulation of air, and northern exposure, in each month; and the corresponding day of the month. Also the perpendicular depth of rain, which fell through the several months of the year 1831—at the residence of J.B. Solebury township, Bucks county, Pa.

1831 MONTHS.	Highest P. M.	Day of Month.	Lowest S. Rise.	Day of Month.	Inches of Rain.
January,	56°	4	*1°	25	4.94
February,	48	16	0	6	2.75
March,	70	26	19	18	3.18
April,	80	18	31	10	7.43
May,	92	31	40	8	2.27
June,	94	3	46	25	7.53
July,	90	20	51	12	5.64
August,	93	18	50	29	5.77
September,	81	2	40	19	4.54
October,	80	4	32	29	7.26
November,	64	9	20	30	2.99
December,	34	25	4	16	1.70
*Below Zero.					56.10

*B. Intelligencer.*



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. IX.—NO. 4. PHILADELPHIA, JANUARY 27, 1832. NO. 213.

## DELAWARE AND RARITAN CANAL COMPANY, AND CAMDEN AND AMBOY RAIL-ROAD AND TRANSPORTATION COMPANY.

At a meeting of the Stockholders in the city of Philadelphia, held agreeably to public notice, at the Coffee House, 14th January, 1832, Samuel Richards, Esq. was called to the chair, and Jos. H. Dulles appointed secretary.

A communication was made on the part of the directors, stating that the motive for calling the meeting was to invite an investigation into the affairs of the company, by the stockholders in Philadelphia, in order that they might satisfy themselves with regard to the past proceedings of the directors, and the present condition of the company; as certain charges had been made by persons opposed to the interests of the company, the report of which it was thought might have reached the stockholders in this city.

On motion of Thomas Biddle, Esq. the following resolution was adopted:

Resolved, that a committee of four be appointed to investigate the transactions of the Directors, and the present condition of the joint companies, and to report the result of their inquiries to an adjourned meeting of the Stockholders, to be held on Monday afternoon, the 16th inst. at 4 o'clock. Whereupon the following gentlemen were appointed—Messrs Arthur Harper, Elihu Chauncey, John M. Atwood, and J. H. Dulles, together with the chairman of the meeting.

Adjourned meeting, held 16th January, 1832, Samuel Richards, Esq. took the chair, when the following report of the committee, together with the accompanying documents, were read and accepted.

### REPORT.

The committee report the result of the investigation, which was conducted during a session of six hours, with a pointedness and personality which would have been as painful to the committee, as it must have been offensive to the directors, had not the entire course of their management been in the strictest degree honorable and correct.

This scrutiny the committee believed it their duty to make, in consequence of the grounds of their appointment; and finding the Directors, to the fullest extent candid and unreserved, they have no cause to regret the course they have pursued in the investigation.

The books of both companies were submitted to the committee, from which it appears that instalments have been called in by each company to the amount of \$450,000.

The canal company books exhibit the following facts: that of these instalments, which have been paid within \$3000 (which deficiency is chiefly due by stockholders having claims for damages on the route,) there has been expended, as per statement A, will particularly appear, and which is herewith presented, \$360,912 09 To which is to be added amount paid rail-road company, 50,000 00

Leaving a balance to meet the demands accruing since 1st January, 1832, 39,087 91

\$450,000 00

The several items in this schedule of expenditures have been examined where they appeared at all important, and the statement B, giving particulars of the real estate and materials, presents to the stockholders a very gratifying view of this department of the companies' interest; the real estate being of great value, and the materials such as prudent foresight has gathered in large quantities, in preparation for an early prosecution of the work this spring.

The items which have more particularly claimed the investigation of the committee, are those of salaries and contingent expenses.

1st, Salaries—Amount \$4,700 per annum. This includes the salaries of the president, secretary, and treasurer, being an average of less than \$1600 each. These in the particular items, are found low in comparison with those of similar institutions, and the more strikingly so, when it is considered, that the discharge of the duties exposes the parties, in the early stage of the work, to great personal fatigue, and involves expenses which the committee believe quite equal to the respective salaries. On this point the committee are entirely satisfied.

2d, Contingent expenses—Amount \$4,722 54. This item includes the ordinary charges incident to such an enterprise—all expenses and payment to officers and agents employed on the line of the canal, in procuring land and other duties in the preliminary arrangements of the company, incurred from May 10, 1830, when the company began their operations, to the 25th Oct 1830, at which last period the salaries commenced; and the committee having examined the details, are satisfied that economy and integrity, clearly mark this expenditure, so very small in comparison to that of other companies.

The item under the head of Engineer corps, struck the committee as being large, but an examination into particulars has convinced them, that there is nothing extravagant, and the report of the canal commissioners of Pennsylvania recently made, exhibits in details the most distressing and mortifying, the folly of wasting time and money, under the misguidance of incompetent engineers, with a false notion of economy.

The books of the rail-road company were next examined, from which the committee gather the following facts:

That the instalments have been paid up (excepting a very small sum due by some of the minor stockholders) say \$450,000 00

To which add amount received from the canal company, 50,000 00

Interest gained on balances invested in the public stocks, with sales of materials not wanted, 2,122 67

502,122 67

There has been expended, as appears per schedule C, 448,534 90

Leaving a balance on the books, 53,587 77

From which is to be deducted the amount of expenditures at the Amboy station, not brought into the books on 1st Jan'y, 11,747 38

Leaving a balance to meet the demands accruing since 1st January, 41,840 39



The items of expenditure under the heads wharfing, real estate, and materials, are in the highest degree satisfactory to the committee, and most convincingly prove a sagacity and care on the part of the directors highly creditable to them, and advantageous to the company. The particulars are found annexed in statement D.

The items under the head of salaries and incidental expenses are, in like manner, as in the case of the canal company, entirely satisfactory to the committee.

The salaries are the same in amount, and subject to the same remarks, with the exception that the president of this company receives no salary as such—the amount corresponding with that of this officer, being given to the chief superintending agent.

The incidental expenses amount to \$11,508 66, including the salaries of nine agents, regularly employed on various parts of the line, not chargeable to any particular account, exceeding in amount \$5000, together with other expenditures on the road, not referable to any particular account until the point of application is decided, as a steam engine for breaking gravel, costing \$1000, is also included with the expenses of arbitrating litigated cases on the route. This item is satisfactory to the committee, and they are assured that it will be so to the stockholders.

The pecuniary transactions of each of the companies, being monthly submitted to an investigation of the other, furnishes a guard, were any requisite, to secure the faithful expenditure of the funds—the vouchers for all amounts exceeding one dollar, being examined, and the accounts attested.

The item, legal expenses, is so small in each of the companies as to be matter of particular notice, being in the one, \$970, and in the other, \$1010 33.

To the inquiry whether the large stockholders, citizens of New Jersey, had paid up their instalments, it appears that they have not only done so in every instance, but in each of the companies, these gentlemen have advanced very large sums of money frequently, and for considerable periods of time, when necessities of the companies required it, and when instalments could not be conveniently called in.

To another intimation, that the original large stockholders had sold out a part of their stock, the committee are satisfied that the charge is entirely false, and that, in no case have they diminished their interest in the works, even under the allurements of an advance of forty dollars per share, affording thus the fullest evidence of their confidence in the project, and their devotion to its concerns.

In reference to the bill now pending before the legislature of New Jersey, although some of its provisions appear burthensome to the stockholders, yet the committee believe that the security of their interests will be promoted by its adoption, and they do therefore approve the encouragement given to this bill by the directors.

On the canal, fourteen miles are nearly completed in the excavation, that is, from Trenton to Kingston, so that it could be finished in a month, with good weather. The work done being at a saving of \$14,127 72 below the estimates. Five locks and several important culverts are under way.

On the rail-road the grading is completed from Stewart's Point below Bordentown, to Amboy, with the exception of less than four hundred feet at Bordentown, which will be very shortly finished.

Rails are laid at Bordentown and Amboy four miles and a half, and the directors have resolved to proceed with all force, so as to be able to connect the two ends of the rail-road by a single stage of horses, making about twenty miles of rail road: and, from their past experience, they confidently believe, that this can be effected in the course of the month of May. By this means there will be a great saving of expense of transportation and

an increase of speed, which will give to the travelling on this road a decided preference over any other.

In the neighbourhood of Camden, from the landing on the Delaware opposite the city, four miles and a half are graded, with the exception of about half a mile, and this is by far the most expensive and difficult part of the route from Bordentown to Camden; the remaining portion being almost natural level. Contracts for all the important bridges between Camden and Bordentown being now made, it is the determination of the directors to prosecute the work, so as to complete the entire route from Camden to Amboy, as soon as practicable.

The following resolutions are respectfully submitted.  
By order of the committee.

SAMUEL RICHARDS, Chairman.

The following resolutions were then adopted:

1. Resolved, that the stockholders entertain the fullest confidence in the president and directors of the respective companies, and they do heartily give their unqualified approbation of the course pursued by them.

2. Resolved, that the thanks of the stockholders be given to the presidents and directors of both companies, for the laborious, faithful and skilful execution of the trust committed to them.

3. Resolved, that the stockholders, being informed by the directors that contracts for building bridges over Cooper's, Penshawken and Rancocus creeks have just been made, they do highly approve the determination manifested by the directors to prosecute this part of the road, and to effect an early completion of the entire work from Camden to Bordentown, and thence to Amboy.

The bill before the legislature of New Jersey being read, by direction of the meeting, the following resolution was adopted unanimously:

4. Resolved, that the bill now before the legislature of New Jersey is approved, inasmuch as it is highly important to secure a joint and common interest with the state through which the entire line of both works is projected.

Published by order of the meeting.

SAMUEL RICHARDS, Chairman.

Jos. H. DULLES, Sec'y.

#### PROCEEDINGS OF THE

#### MILITARY CONVENTION,

*Which assembled at Harrisburg, Pennsylvania,  
Monday, January 2, 1832.*

(Concluded from page 46.)

WEDNESDAY, January 4, 1832.

The convention met, and the roll having been called, it appeared that the following gentlemen were in attendance.

Messrs. Page, Riley, Simpson, Cooper, Baker, Fritz, Nathans, Worrell, Vansant, Goodman, Rogers, Davis, Torbert, Purdy, Hart, Thompson, Bertles, Boileau, Sheetz, Gartley, Richards, Zeilin, Price, Lescure, Kerlin, Reed, Miller, of Lancaster, Hambright, Frazer, Fordney, McGlaughlin, Downey, Longenecker, Overholzer, Snyder, Clarkson, Miller, of Adams, Sanders, Franklin, Blattenberger, Roberts, Dean, High, Boyer, Potteiger, Kern, Kelchner, Weber, Fogle, Hornbeck, Livingston, Straub, Merrill, Frick, Packer, Paxton, Drumheller, Mitchell, Fleming, Piatt, Potter, Wilson, Houston, Curtin, Buchanan, Duncan, McCullough, Ard, Cummings, Wilson, Miles, Kirk, Murphy, Parker, Kelso, Sharon, Criswell, Williams, McMurtrie, Snare, Foulke, Alexander, of Cum. M'Cartney, M'Clure, Spencer, Biddle, W. S. Ramsey, Gray, Greer, Stough, Tritt, M'Candlish, Woodburn, Redett, Fetter, Speck, Clark, A. C. Ramsey, Heck, Brady, of Franklin, Bard, Wallace, M'Geehan, Compher, M'Elwee, Tector, Downing, Alexander, of Westmoreland, Wells, Underwood,



Brady, of Westmorel'd, Gosser, Biglow, M'Williams, Ringland, Hawkins, Patterson, Waugh, Bayne.

Mr. Page from the committee appointed to suggest matters for the consideration of the convention, made a further report, which was read as follows:

1. That volunteer corps be encouraged as far as practicable; that, for that purpose, all volunteers, so long as they shall continue to perform military duty, shall be entitled to all the advantages which are allowed to the first class; they may fix their own days of parade, and impose such fines for absence on those days, as they may please, and adopt such bye-laws as they may approve; that they shall be subject to the same duty of encampment and service in time of peace, as the first class; they shall be allowed the usual music, at the public expense, on their days of parading; that their officers shall take rank of militia officers of the same grade, and their corps shall take rank of the militia.

2. That any person, after his arrival at the age of twenty-six, may, if he will, continue to perform duty with, and be entitled to the advantages of either the first class, or volunteers, but not subject to contribution to the military fund; but on ceasing to perform duty, he shall contribute annually 50 cents to that fund.

3. Every member of the first class, and volunteers, shall pay a fine of \$2, for every day of those required by law, in case he shall fail to parade in uniform, without sufficient excuse.

4. That a committee be appointed to draft a memorial to congress, asking a revision of the militia laws of the United States.

5. That the proceedings of this convention be recommended to the early and serious attention of the legislature; and with that view, that the officers of the convention lay before them an authenticated copy of the journal

On motion of Mr. Simpson,

The following resolution was adopted:

Resolved, that a committee of finance be appointed, to collect funds and defray the expenses incidental to the meeting of this convention:

And Messrs. Simpson, M'Glaughlin, Snyder, Roberts and Piatt, were appointed said committee.

The convention resumed the consideration of the second resolution attached to the report of the committee, appointed to suggest matters for the consideration of the convention.

The question being on the amendment to said resolution, offered yesterday.

The yeas and nays on said question were called for, by Mr. Alexander and Mr. Davis, and are as follows:

#### YEAS.

Messrs. Page, Simpson, Baker, Fritz, Nathans, Worrel, Vansant, Rogers, Davis, Torbert, Purdy, Hart, Thompson, Bertels, Boileau, Sheetz, Zeilin, Price, Kerlin, Reed, Hambricht, Frazer, Fordney, M'Laughlin, Downey, Longenecker, Overholtzer, Snyder, Clarkson, Miller, of Adams, Sanders, Franklin, Dean, Hornbeck, Straub, Packer, Wilson, M'Clure, Biddle, W. S. Ramsey, Greer, Stough, Redett, Fetter, Heck, Brady, of Franklin, Bard, Wallace, M'Geehan, Teeter, Alexander, of Westmorel'd, Brady, of Westmorel'd, Bigelow, Ringland, Waugh, Bayne, Tritt, M'Candlish—58.

#### NAYS.

Messrs. Riley, Cooper, Roberts, High, Boyer, Weber, Fogle, Merrill, Frick, Paxton, Drumheller, Mitchell, Fleming, Piatt, Potter, Curtin, Buchanan, Duncan, M'Cullough, Ard, Cummings, Miles, Kirk, Murphy, Parker, Sharon, Criswell, Williams, M'Murtrie, Snare, Alexander, of Cum. M'Cartney, Spencer, Gray, Woodburn, Speck, Clark, A. C. Ramsey, Compher, M'Elwee, Downing, Wells, Underwood, Gosser, M'Williams, Patterson—46.

So it was determined in the affirmative.

The convention then adjourned until 3 o'clock, this afternoon.

#### IN THE AFTERNOON.

The convention resumed the consideration of the amendment to the second resolution, attached to the report of the committee appointed to suggest matters for the consideration of the convention.

On the question,

Will the convention agree to the resolution as amended?

A motion was made by Mr. Franklin,

Further to amend the resolution, by inserting between the words "shall" and "pay," the words "be called the second class, and"—

Which was agreed to.

The resolution, as amended, was then adopted.

The third resolution was then adopted, after being amended by striking out the word "this," and inserting in lieu "the first class."

The fourth resolution being under consideration,

A motion was made by Mr. Merrill,

To postpone the further consideration of the same for the present, for the purpose of considering the following:

Resolved, that it will be expedient to demand from those between twenty-one and twenty-six years of age, who shall neglect or refuse to uniform and equip themselves, a higher sum than from those who shall have arrived at the age of twenty-six.

Which was agreed to.

On the question,

Will the convention agree to the resolution?

The yeas and nays were required by Mr. Riley and Mr. Cummings, and are as follow:

#### YEAS.

Messrs. Reed, Frazer, M'Glaughlin, Longenecker, Clarkson, Merrill, Frick, Packer, Paxton, Mitchell, Fleming, Potter, Wilson, Buchanan, Duncan, M'Cullough, Ard, Cummings, Miles, Kirk, Murphy, Parker, Criswell, Williams, M'Murtrie, Snare, Alexander, of Cum. M'Cartney, M'Clure, Spencer, Woodburn, Speck, Clark, A. C. Ramsey, Heck, Downing, Wells, Underwood, Gosser—38.

#### NAYS.

Messrs. Page, Riley, Simpson, Cooper, Baker, Fritz, Nathans, Rogers, Davis, Torbert, Purdy, Hart, Bertels, Boileau, Sheetz, Zeilin, Price, Kerlin, Snyder, Miller, of Adams, Sanders, Franklin, Roberts, Dean, High, Boyer, Weber, Kern, Kelchner, Lynn, Fogle, Hornbeck, Straub, Piatt, Sharon, Biddle, Ramsey, Gray, Greer, Tritt, Redett, Fetter, Brady, Bard, Wallace, M'Geehan, Compher, M'Elwee, Teeter, Alexander, of Westm'd. Brady, of Westm'd, Bigelow, M'Williams Ringland, Patterson, Bayne—56.

So it was determined in the negative.

The question recurring,

Will the convention agree to the fourth resolution?

A motion was made by Mr. Torbert,

To postpone the question, for the purpose of introducing the following:

That the militia of the 2d class shall be enrolled as usual by the proper officers, and that they shall annually pay the sum of \_\_\_\_\_ to be collected with the county rates and levies, and paid into the treasury of the commonwealth.

That the 2d class shall be officered as usual, and that all the officers of the 1st and 2d class in each brigade, shall annually meet for drill \_\_\_\_\_ days, for which services they shall be allowed \_\_\_\_\_ per day; and if the officers request it, the state should furnish them with the necessary camp equipage.

Which was not agreed to.

A motion was made by Mr. Franklin,

To re-commit to the committee on the subject, the report and resolutions, together with the report and resolutions made by the said committee this morning.

Which was agreed to.



On motion Mr. Roberts was substituted on said committee in place of Mr. Franklin.

On motion of Mr. Franklin,

The following resolution was adopted:

Resolved, that no member of this convention, be permitted to speak more than twice on any question before the convention.

The convention then adjourned until 11 o'clock, to-morrow morning.

—  
THURSDAY, January 5, 1832.

The convention met, and the roll being called, one hundred and eleven members answered to their names.

George Richards, Esq. and Captain Philip Wager Reigart, having been appointed to supply vacancies, took their seats.

The president of the convention presented the following resolution, transmitted to him by the speaker of the senate.

*"In Senate, Jan. 4, 1832.*

Resolved, that the officers and members of the Military Convention, now sitting in Harrisburg, be invited to take seats within the bar of the senate chamber, during the sitting of senate.

*"Extract from the Journal,*

*"W. S. FRANKLIN, Clerk."*

Mr. Waugh presented to the convention the following resolution from the house of representatives.

*"In the House of Representatives, Jan. 4, 1832.*

*"On motion,*

*"Resolved, that the officers and members of the Military Convention be invited to take seats within the bar of this house.*

*"Extract from the Journal,*

*"FRS. R. SHUNK, Clerk."*

Mr. Simpson, from the committee to ascertain the amount necessary to defray the expenses of this convention, reported,

That they have enquired particularly into the matter confided to them, and offer the following:

Resolved, that the members of this convention be assessed the sum of seventy-five cents each, and that the same be paid into the hands of Walter S. Franklin, Esq. one of the secretaries of this convention.

Which report and resolution were adopted.

Mr. Page, from the committee to suggest matters for the consideration of the convention, reported,

1. That the citizens of this commonwealth ought to be divided into two classes

2. That all such citizens as will uniform themselves voluntarily according to law, ought to compose the first class, and be called the active militia; and that all such citizens between the ages of 21 and 45, who will not equip themselves, shall be called the second class, and pay a certain sum in lieu thereof, for the encouragement of the volunteers and of the first class of militia.

3. That the first class only ought to be subject to drill or duty in time of peace.

And the following in conformity to the principles set forth in said resolutions.

1. That all militia trainings not in uniform should be abolished, and that the second class ought not to be required to do military duty, except when called forth to execute the laws, to suppress insurrections and repel invasions.

2. That the first class be furnished with arms and accoutrements, camp equipage, music, powder, and five days' rations in each year, and be required to encamp for instruction five days in each year.

3. The militia shall be enrolled as required by law, by the proper officers, and every enrolled militia man of the second class, except minors, should annually pay the sum of one dollar, to be collected as the county rates and levies are now by law collected, and paid into the treasury of this commonwealth.

4. The second class should have such officers as may

be necessary; and all the commissioned officers in each brigade or regiment shall assemble annually, at such time or place as may be fixed upon by the commanding officer of such brigade or regiment for inspection and drill for        days in succession, for which attendance and service, they should be allowed        dollar per day each, to be paid out of the fund to be created as aforesaid.

5. That        dollars per day should be allowed to each brigade or regiment, for the pay of musicians during such annual parade, should they desire it, a sufficient quantity of camp equipage to be furnished each brigade or regiment, for the acquirement of a knowledge of camp duty. At such parades the officers may by ballot select from their number the individual who shall act as the instructing officers of volunteers to drill in the same manner in brigade or regiment of volunteers; if there be no such brigade, then to be joined in the drill with the militia officers. Volunteers to have the right to make their own bye-laws, and manage their own funds.

6. The first class to be subject at all times to the requisitions of the state executive, in compliance with the provisions of the constitution.

7. That a committee be appointed to draft a memorial to congress, to be signed by the President, Vice President and Secretaries, in behalf of this body, asking a revision of the militia laws of the United States.

8. That the proceedings of this convention be recommended to the early and serious attention of the legislature; with that view, that the officers of the convention lay before them, an authenticated copy of the Journal.

The first resolution reported by the committee was adopted.

The second resolution being under consideration,

A motion was made by Mr. Miller, of Adams,

To amend the same by inserting after the words "first class" "and organized volunteers."

Which was not agreed to.

A motion was then made by Mr. Nathans,

To strike out "five," where it last occurs, and insert in lieu, "three successive."

Which was agreed to.

A motion was then made by Mr. Riley,

To further amend the resolution by striking out all after the word "powder," and adding in lieu thereof as follows: "And that each company of not less than privates be allowed the sum of        dollars per annum, to be appropriated by them for military purposes, in accordance with the bye laws of the respective companies."

Which was not agreed to.

A motion was then made by Mr. Merrill,

To strike out the words "and be required," and insert "if they think proper."

Which was not agreed to.

The resolution, as amended, was then adopted.

The third resolution was adopted.

The fourth resolution being under consideration, the first blank was filled with "three," and the second with "one."

The resolution, as amended, was then adopted.

The fifth and sixth resolutions were then adopted.

The seventh resolution was then adopted, and Messrs. Merrill, Riley, Fritz, Fleming and M'Clure were appointed a committee in pursuance thereof.

On motion of Mr. Cummings,

The eighth resolution was postponed for the present.

The following resolutions were then offered by Mr. Torbert:

Resolved, that the committee appointed to draft a memorial to congress recommending a revision of the militia laws of the United States, be instructed to recommend the passage of a law appropriating to each state annually the sum of two thousand dollars for every representative to which it is entitled in congress, to be



expended, under the direction of the states respectively, in disciplining the officers.

Resolved, that it be recommended to the legislature to pass a resolution requesting our senators and representatives in congress to use their exertions to effect the passage of a law agreeably to the preceding resolution, and that copies thereof be forwarded to the executives of the several states for the concurrence of the respective legislatures.

Which were not agreed to.

On motion of Mr. Simpson, the following resolution was adopted:

Resolved, that the journal of this convention be printed, and that each member of the legislature be furnished with a copy of the same, and that each member of this convention be furnished with three copies.

On motion of Mr. Cummings, the following resolution was adopted:

Resolved, that it be recommended to the legislature, to so proportion the military force of this state that the corps of artillery be augmented.

Mr. Page, from the committee composed of the delegates of the first division, reported the following resolution, which was adopted.

Resolved, that this convention, in consequence of the peculiar and exposed situation of the city of Philadelphia, recommend to the consideration of the legislature the propriety of such a variation in the general law, as will permit the establishment in the district now composed of the city and county of Philadelphia, of one division of volunteers, and granting, for the purposes of supporting the same, all the fines imposed and collected from the first and second class within the said district. Provided, that no claim be made by the said division on the general fund, and that it shall determine the number of days of encampment for its own instruction.

The convention adjourned until 3 o'clock this afternoon.

#### IN THE AFTERNOON.

A motion was made by Mr. Wells, and Mr. W. S. Ramsey,

To re-consider the vote agreeing to the resolution reported by Mr. Page, from the committee composed of the delegates from the first division.

On the question,

Will the convention agree to the motion?

The yeas and nays were required by Mr. Wells and Mr. Davis, and are as follows:

YEAS.

Messrs. Miller, of Lancaster, Hambright, Cummings, Kirk, Criswell, M'Cartney, W. S. Ramsey, A. C. Ramsey, Wells, Underwood, Bigelow, Bayne—12.

NAYS.

Messrs. Page, Riley, Simpson, Cooper, Baker, Fritz, Nathans, Worrell, Vansant, Rogers, Davis, Torbert, Purdy, Hart, Bertels, Boileau, Sheetz, Richards, Zeilin, Price, Kerlin, Reed, Downey, Longenecker, Reigart, Miller, of Adams, Sanders, Franklin, Blattenberger, Roberts, Dean, High, Boyer, Weber, Kern, Kelchner, Fogle, Hornbeek, Livingston, Straub, Merrill, Frick, Paxton, Drumheller, Mitchell, Fleming, Piatt, Pötter, Wilson, Curtin, Buchanan, Duncan, M'Cullough, Ard, Miles, Murphy, Williams, M'Murtrie, Snare, Foulke, M'Clure, Spencer, Gray, Greer, Stough, Tritt, Woodburn, Redett, Fetter, Speck, Clark, Brady, of Franklin, Compher, M'Elwce, Teeter, Downing, Alexander, of Westmoreland, Brady of Westmoreland, Gosser—79.

So it was determined in the negative.

On motion of Mr. Williams, the following resolution was adopted:

Resolved, that application be made to congress, by this convention, for the passage of an act appropriating for the support and discipline of the volunteers and militia of each state a sum of money to be distributed annually, and in proportion to the representation of each state in congress: which monies so appropriated shall

be placed at the disposal of the government of the states respectively.

On motion of Mr. Brady, of Franklin co. the following resolution was adopted.

Resolved, that there ought to be a provision made by the legislature for the election of one lieutenant for each company of infantry, artillery, and riflemen, and militia of the first class, in this state, in addition to the number of officers now allowed by law.

On motion of Mr. Criswell, the following resolution was adopted.

Resolved, that every freeman within this commonwealth, who shall have equipped himself and served in a regularly organized volunteer company for the term of seven years, shall be exempt from military duty in time of peace.

The following resolution was offered by Mr. Straub.

Resolved, that this convention recommend to the consideration of the legislature of Pennsylvania, the propriety of reducing the number that is, under the existing laws, required to compose a company of the first class militia.

Which was not agreed to.

The following resolution was offered by Mr. Fleming.

Resolved, that volunteers hereafter to be organized of the same description of force have a similar uniform.

Which was not agreed to.

On motion of Mr. Franklin, the following resolution was adopted.

Resolved, that it be recommended to the legislature to pass a law requiring all major and brigadier generals and staff officers, to equip themselves, and to parade at least once a year.

Mr. Merrill, from the committee appointed to draft a memorial to congress, reported the following, which was adopted.

*To the Honourable the Senate and House of Representatives of the United States of America in Congress Assembled.*

The memorial of a convention of citizens, assembled from the different military divisions of the commonwealth of Pennsylvania, most respectfully represents,

That the people of Pennsylvania are deeply impressed with the belief that the present militia system of the United States is burthensome and inefficient; that since the passage of the act of 1792, the number of men included within its provisions has increased so much, and will continue to increase so rapidly, that it is inexpedient for the government to attempt to arm and instruct the whole body. They also believe, that on no occasion, can the necessities of the country require the actual services of so great a number of armed men as is now included within the provisions of that act. They therefore most respectfully request your honourable bodies to revise the present militia system, and to make such changes therein, as shall enable the government to arm, and to instruct at least a portion of those who may be subject to enrolment.

The eighth resolution attached to the report of the committee to suggest matters for the consideration of the convention was then adopted.

On motion of Mr. Davis,

Resolved, that a central committee of correspondence be appointed to promote the objects of this convention; and

Ordered, that Col. Walter S. Franklin, Capt. E. W. Roberts, and Capt. Hugh M'Ilwaine, be said committee.

On motion of Mr. Torbert,

Resolved, that the delegates from each division appoint a committee of three to correspond with the central committee.

Whereupon,

The following persons were appointed.

FIRST DIVISION.

Col. James Page, }  
Col. Joseph Riley, } Philadelphia.  
Major N. Nathans, }



## SECOND DIVISION.

Major General William T. Rogers, Doylestown.  
Col. John Davis, Davisville.  
Col. Simpson Torbert, Dolington.

## THIRD DIVISION.

Major John Kerlin, Downingtown.  
Lieut. John K. Zeilin, Chester.  
Lieut. David B. Reed, West Chester.

## FOURTH DIVISION.

Major Frederick Hambright, Lancaster.  
Major John Maglaughlin, Elizabethtown.  
Captain David Miller, Lancaster.

## FIFTH DIVISION.

General Michael Doudel, York.  
General Thomas C. Miller, } Gettysburg.  
Col. Michael Clarkson, }

## SIXTH DIVISION.

Gen. George D. B. Keim, Reading.  
Major William F. Dean, Pottsville.  
Captain E. W. Roberts, Harrisburgh.

## SEVENTH DIVISION.

Col. George Weber, Kreidersville.  
Major John W. Hornbeck, Allentown.  
Captain Oliver S. Dimmick, Milford.

## EIGHTH DIVISION.

General Henry Frick, Milton.  
Col. Joseph Paxton, Catawissa.  
Col. C. M. Straub, Selinsgrove.

## NINTH DIVISION.

Col. James P. Bull, Towanda.  
James Lowry, Esq. Wellsborough.  
Major Robert Fleming, Williamsport.

## TENTH DIVISION.

Captain William Williams, Huntingdon.  
Major Abraham S. Wilson, Lewistown.  
Captain George Buchanan, Spring Mills, Centre co.

## ELEVENTH DIVISION.

General Willis Foulke, Carlisle.  
Major Alexander Magee, Bloomfield.  
Captain Jasper E. Brady, Chambersburg.

## TWELFTH DIVISION.

Major Isaac Teeter, Ebensburg.  
Captain Thomas B. McElwee, Bedford.  
Captain Daniel Weyand, Berlin.

## THIRTEENTH DIVISION.

Major John B. Alexander, Greensburg.  
Col. Samuel Evans, Uniontown, Fayette co.  
Lieut. L. L. Bigelow, Adamsburg, Westmoreland co.

## FOURTEENTH DIVISION.

Col. John Buckingham, West Buckingham, Wash. co.  
Col. Isaac Hodgins, Washington, Pa.  
Major Corbly Garard, Whiteley, Greene county.

## FIFTEENTH DIVISION.

Major E. Travilla, }  
Major A. McFarland, } Pittsburg.  
Jonathan Large, Esq. }

## SIXTEENTH DIVISION.

Brig. General John Dick, Meadville.  
Col. William Hamilton, Mercer.  
Col. Joseph Vera, Beaver.

On motion of Mr. Merrill, the following resolution was unanimously adopted.

Resolved, that the thanks of this convention be and they hereby are tendered to the President, Vice Presidents, and Secretaries thereof, for the ability, impartiality and diligence with which they have discharged their duties.

On motion of Mr. Miller, of Adams, the following resolution was unanimously adopted.

Resolved, that the thanks of this convention be tendered to the commissioners of the county of Dauphin for their kindness in granting the use of the Court House.

On motion of Mr. Nathans, the following resolution was unanimously adopted.

Resolved, that the thanks of this convention be and they hereby are tendered to the committee appointed to suggest matters for the consideration of the convention, for their diligent discharge of that duty.

On motion of Mr. Page,

Ordered, that Messrs. Page, Ringland and Franklin, be a committee to revise the proceedings of this convention, and attend to publication.

The convention then adjourned *sine die*.

JOHN B. ALEXANDER, President.

WM. B. MITCHELL, }  
WILLIAM DOWNEY, } Vice Presidents.  
WILLIS FOULKE, }  
SAMUEL A. PRICE, }

Simpson Torbert, } Secretaries.  
Walter S. Franklin, }

## FIFTEENTH ANNUAL REPORT

OF THE INDIGENT WIDOWS' AND SINGLE WOMEN'S SOCIETY  
OF PHILADELPHIA.

The rotation of the seasons has again brought around dreary winter, with all its wants and deprivations. Yet, although stern and rugged in its aspect, it has attractions peculiarly belonging to it; for while the charms of the preceding periods of the year call us forth to enjoy the beauties of nature, this brings us to the heartfelt realities and endearments of *home*, and all the interesting charities of domestic life. It is now the season of social intercourse, of benevolent exertion, and intellectual improvement; the season when man is especially called to the exercise of those qualities, which distinguish and elevate him above the animal creation.

At this season, also, the various benevolent Institutions hold their annual meetings, and among them the managers of the "*Indigent Widows' and Single Women's Society*," feel it incumbent upon them to present to their patrons a statement of the helpless family intrusted to their care. In the quiet and monotonous mode of living so essential and suitable to advanced life, there can be little to recreate, although much to interest. the feelings of the regular visitor. To see a number of respectable beings, who have been destined by Providence to survive all those ties that render life a blessing, and destitute of even the means of supplying the necessities of life; to see such in the settled possession of a *home*, which affords every needful comfort, divested of all anxiety for the future, assured of good nursing and medical attendance when required, and the means of receiving spiritual instruction and consolation, must surely be gratifying to every benevolent mind; and while they are preparing for a richer inheritance, by patient resignation to the appointments of their Heavenly Father, afford a salutary lesson to those by whose kindness they are sustained.

Since the last report, three of the family have finished their course, and, we have reason to hope, have obtained their reward. One of these had been long suffering under derangement of mind, but was retained in the family until within a few months past, when it became necessary to remove her to private lodgings, within a few miles of the city, but still under the care of a committee of the board. The Rev. Dr. Ely, Capt. Whilden, and the church of which she was a member, kindly assisted to defray the expense of this arrangement, which rendered her latter days as comfortable as her situation would admit. Five persons have been received into the asylum during the past year, making the family to consist at this time of fifty-two persons, including the matron and domestics. The managers, desirous of rendering



the institution as beneficial as possible to the community, thus venture to receive as many pensioners as can be comfortably accommodated, although their funds, they regret to state, are in a less satisfactory situation than is the household establishment. Many causes may be assigned as the reason of the diminution of income. The continual fluctuations of human events doubtless produce an effect; and the numerous and ever increasing projects that lay claim to public liberality, possessing the attraction of novelty, induce many to allow their bounty to flow in a new channel. But surely an establishment that has been tested by many years' experience, should not be permitted to languish and decay for the sake of more recent experiments, however imposing in theory. But though frequently embarrassed, the managers are not discouraged; relief often comes when least expected; as recently, when the friends of the asylum were generally absent, and the treasury empty, a stranger, unsolicited, and unknown, offered to exhibit his curious mechanism for the benefit of the institution, and although the avails of this benevolent act were not sufficient to prevent the necessity of drawing from the small saving fund, yet the aid was peculiarly seasonable and cheering; like a gleam of sunshine in a darkened atmosphere, it inspired hope, and renewed their confidence of support from that Being who emphatically styles himself "the Widow's God." They also notice with gratitude the legacy of Paul Siemen, Esq. received from his executor, Mr. Bohlen, and the bequest of Mrs. Margaret W. Barton, with several donations, as per treasurer's account, annexed.

Thus the year has closed with much less difficulty than was apprehended, so that the managers have good reason for thankfulness and trust, believing that as their day is, so shall their strength be. The preacher has said, "cast thy bread upon the waters, and thou shalt find it again after many days." Yes, it will return when the season of action is over, and nothing remains to solace the last stage of existence, but the retrospect of the past, and the anticipation of the future. It will then return in the soothing reflection, that in the season of youthful hilarity and enterprise, when the world and its pleasures possessed every attraction, that then, even at that joyous season, the heart and the hand were freely opened to alleviate the sufferings and destitution of the aged. *Indigent Widows' and Single Women's Society, in account with the Treasurer.*

DECEMBER—1831.

DR.

Upon Warrant of the Board of Managers,	
paid to the Purchasing Committee,	\$2,350 00
To cash paid for Printing Reports,	11 20
To Chaloner and Henry, their note,	2,000 00
To Saving Fund,	100 00
To Balance remaining in Treasury,	70 11
	<hr/>
	\$4,531 31

DECEMBER—1851.

CR.

By balance of account from last year,	\$41 26
By Annual Subscriptions,	703 00
By Life Subscriptions,	60 00
By admission of Pensioners in Asylum,	140 00
By Board of Persons in Asylum,	176 00
By proceeds of Mr. Maelzel's Exhibition,	102 25
By sundry Donations,	71 25
By the Bequest of Mrs. Margaret Wharton,	50 00
By the Bequest of Mr. John Maybin,	97 50
By a Legacy of Paul Siemen, Esq.	1,950 00
By dividends on Stock,	787 49
By Knitting and Work done in Asylum,	71 65
By sales do.	29 37
By Cash drawn from Saving Fund,	200 00
By fines from Managers,	9 75
By cash from Charity Box,	40 79
	<hr/>
	\$4,531 31

From the American Volunteer.

## REVOLUTIONARY HEROES.

A Public meeting of the Revolutionary Officers and Soldiers within the bounds of the County of Cumberland, convened, in pursuance of notice, at the County Hall in the borough of Carlisle, on Tuesday the 3d of Jan. inst (that being the 55th anniversary of the battle of Princeton,) to devise ways and means for their mutual benefit. Owing to the inclemency of the weather, the attendance of these venerable men was not so numerous as was anticipated; but still, there were enough present to give great interest to the scene, and to call forth the liveliest emotions of gratitude in the bosoms of all who witnessed this assemblage of veterans, who had fought for the liberties of our land, in the perilous times of the Revolution.

The meeting was organized by calling *Archibald Loudon*, to the chair; and by appointing *George Rinehart* and *Peter Duey*, Secretaries.

The chairman having stated the object of the meeting, further remarked, "That although Congress had done much for the relief of the surviving officers and soldiers of the Revolution; still, that in many instances, the aid granted proved insufficient for the support of those whose age and infirmities rendered them utterly unable to maintain themselves.

That in many instances, others, who had risked their lives in the service of our country during the revolution, were not within the letter of the existing acts of Congress; and therefore could obtain no relief. That there was now more probability than formerly, of Congress extending further aid to them, inasmuch as old age, poverty and disease had made such sad havoc in their ranks, and had left so few objects for the nation's bounty, that the most liberal grants by Congress, would not be felt by the country at large."

It was then *Resolved*, That *Jacob Oiler* and *Michael Miller*—be a committee to ascertain the number of Revolutionary Soldiers present—their respective ages—and to what division of the army they belonged.

When, after making the necessary inquiries, the committee reported, That the number present was, to wit:—

*Of the Pennsylvania Militia.*

Jacob Oiler,	aged 85 years.
Michael Miller,	do 80 years.
Frederick Rinehart;	do 80 years.
John Slonecker,	do 80 years.
Archibald Loudon,	do 78 years.
Robert Wright,	do 75 years.

*Of the Flying Camp.*

Peter Duey,	aged 78 years.
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*Of the Regulars.*

George Simon Rinehart,	aged 85 years.
John Mitchels,	do 82 years.
Robert Barkley,	do 81 years.
Peter Tritt,	do 77 years.
John Fagan,	do 76 years.
Philip Lenhart,	do 72 years.
Martin Miller,	do 71 years.

It was further *Resolved*, That our representatives in Congress be requested to use their exertions to procure for the soldiers entitled to pensions under the existing laws, a further relief and assistance from Government, and to cause such other laws to be made as may embrace, within their provisions, those soldiers of the revolution, who are not entitled to aid or pensions under the present acts of Congress.

*Resolved*, That the proceedings of this meeting, signed by the chairman and secretaries, be published; and that a copy of the same, be sent to our representatives in Congress.

ARCHIBALD LOUDON, Chairman.

PETER DUEY,	} Secretaries.
G. S. RINEHART.	



## STATEMENT OF SUNDRY BANKS IN THE STATE OF PENNSYLVANIA,

NOVEMBER 1st, 1881, COMPILED FROM THE REPORT OF THE AUDITOR GENERAL, PRESENTED TO THE LEGISLATURE ON THE 10th OF JANUARY, 1882.

BANKS.	Capital.	Notes in circulation.	Due other banks.	Deposits and dividends unpaid.	Due Com- monwealth.	Contingent surplus fund for profit and loss or sus- pense & dis- c't.	Bills discounted and receivable.	Bonds, judg- ments, mort- gages & col- lateral securi- ties.	Stocks and loans, securi- ties and bills of exchange.	Specie.	Notes of other banks, or due from them.	Real and personal es- tate.	Suspense account & expenses.	Dividends.
Bank of Pennsylvania, North America, Philadelphia, Farmers' & Mechanics, Commercial, Mechanics, Schuylkill, Northern Liberties, Southwark, Kensington, Penn Township,	2,500,000 00 1,600,000 00 1,800,000 00 1,250,000 00 1,000,000 00 529,310 00 500,000 00 200,000 00 250,000 00 124,990 00 150,000 00	1217135 08 270157 21 308786 00 340680 00 281489 50 270826 00 385328 00 413116 00 233260 00 197545 00 312607 50	567030 20 165868 84 217745 00 336264 91 71833 84 249210 72 320709 09 32682 60 17292 32 16366 36 50637 59	1284779 01 420890 40 499576 00 743972 42 486991 27 297699 40 355274 62 437027 32 327729 98 142907 66 177879 79	153269 88 2000 00 — — 2240 00 1409 19 1600 00 2400 00 2000 00 999 92 960 00	461060 74 102088 10 26573 00 106521 22 88562 81 55412 62 73728 15 102682 80 24069 21 44048 86 13000 00	4,126,363 52 1,301,891 15 2,022,045 00 2,155,534 56 1,352,237 96 920,624 45 1,181,298 56 829,858 69 714,555 84 458,697 85 545,945 04	663444 44 125559 93 22475 00 23450 86 4500 00 3666 50 — 12727 80 — — —	315752 55 25161 00 449.75 00 197716 36 200000 00 98905 00 15689 64 7264 36 75419 57 44502 55 67031 45	503172 61 123949 34 153714 00 224307 34 108491 32 122001 17 139099 04 110884 79 75419 57 44502 55 67031 45	293704 21 94859 72 333281 00 171614 97 215295 76 205913 95 253724 02 227173 08 55350 16 20157 40 64161 70	264537 33 284181 00 60206 00 102804 46 39677 75 46383 88 49909 60 — 8965 94 3500 00 27946 69	14300 25 5402 39 8784 00 — 10894 63 6373 08 — — — — — —	— 5 — — 7 8 7 10 10 8
German town, Harrisburg, Pittsburg, Farmers' B'k, Lancaster Lancaster Bank, Columbia Bridge, Farmers' B'k, Reading, Chester County Bank, Delaware County, Montgomery County, Easton, Northampton, York, Carlisle, Gettysburg, Monon. B'k, Brownsville Farmers' B'k of Bucks, Miners' B'k, Pottsville, Eric, Wyoming B'k, Wilkes, Northumberland, Chambersburg.	9,304,300 00 129,500 00 158,525 00 347,355 50 4,000,000 00 124,235 00 395,000 00 300,360 00 112,140 00 77,510 00 133,340 00 232,915 00 124,390 00 168,720 00 184,288 00 125,618 00 102,123 00 60,000 00 199,375 00 22,060 00 47,990 00 39,900 00 249,128 34	4323870 29 79499 00 510583 96 387746 00 223190 78 232010 00 245425 18 298945 00 267893 95 116679 00 154660 50 352273 44 245169 00 149265 00 198052 00 143730 00 168448 00 94423 00 134100 00 71810 00 63310 00 33620 00 258588 00	2065722 47 7436 54 38294 51 21246 00 20844 96 1002 55 2885 15 21359 78 884 44 1044 22 24025 04 6973 98 20997 27 2068 62 2097 27 2068 62 6981 93 7673 14 8000 00 902 95 48761 96	5174727 87 107607 55 266130 42 303502 43 136283 52 75361 90 60994 66 197145 22 241287 73 110632 44 120821 25 186760 85 50998 60 177430 52 77438 29 59271 91 50306 64 183998 91 4729 03 37449 38 17007 80 75521 84	166879 09 828 80 2536 40 2214 84 1764 12 431 24 956 17 1166 61 898 60 558 07 746 70 454 92 583 52 148 73 1005 26 602 24 571 88 257 67 144 63 123 54 123 04 1195 80	1296847 51 24737 00 25740 59 78063 22 341 21 26875 34 868 07 13133 11 55024 14 18109 25 15402 61 60744 29 9580 05 5588 73 8868 80 15032 87 3668 81 11816 93 239 56 4746 03 501 93 1985 97	15,609,072 62 302,259 32 576,663 04 738,785 27 529,089 27 200,520 98 208,997 64 495,053 01 357,089 59 63,219 63 170,964 29 623,496 06 135,739 99 271,624 41 291,855 69 146,970 97 148,030 84 129,081 45 354,670 77 41,950 07 118,360 89 35,111 52 370,629 25	867834 53 10870 84 7836 87 7481 34 900 00 39276 67 22974 06 37890 06 52490 33 123743 42 102846 12 47641 29 186393 99 15904 27 2000 00 52027 41 43627 75 15032 87 3668 81 11816 93 239 56 4746 03 501 93 1985 97	1309763 91 1060 00 91452 84 108432 36 67510 25 52735 00 17143 57 82366 00 138210 00 23562 25 70677 92 69325 00 34916 11 81600 00 1330 00 722 05 2395 00 17055 00 35000 00 — — — 7400 00	1674573 18 18132 59 123137 28 40086 15 38336 26 23048 89 52378 89 92921 70 63456 01 57746 38 47067 18 43034 69 37468 09 106118 42 33371 30 35141 23 19470 39 25869 94 15952 53 12817 15 8628 88 23690 74 52049 28	1937235 97 8756 14 160164 21 241261 20 112540 43 154334 49 45906 28 93731 37 87358 27 35036 45 25143 03 77762 50 31140 47 34215 86 149568 09 45144 20 110777 65 15258 67 26049 06 51938 05 24629 91 31028 26 49989 83	888112 65 8130 00 42556 64 4082 04 33960 96 — 254843 64 9472 95 — 20542 90 8550 48 — 5000 00 — 21324 54 30729 58 21546 03 8061 17 11359 37 8822 98 2194 72 — 81900 25	45754 35 400 00 — — 87 42 — — — — 522 17 166 26 63 51 — — 2621 71 311 82 8822 98 707 00 1199 21 —	8 20 8 6 10 15 10 7 10 8** 2 6 7 7 7 10 10 11 6
Total, 22 Country B'ks, 11 City Banks,	3,744,672 84 9,304,300 00	4429221 81 4323870 29	241383 94 2065722 47	2562019 18 5174727 87	2,734 78 166879 09	381068 31 1296847 51	6,310,164 48 15,609,072 62	912827 29 867834 53	903093 35 1309763 91	970123 97 1674573 18	1705754 42 1937235 97	564255 27 888112 65	14902 08 45754 35	— —
Grand total,	13,048,972 84	8753092 10	2307106 41	7736747 05	189613 87	1677915 82	21,919 237	101780661 82	2212857 26	2644697 15	3642970 39	1452367 92	60656 43	—

\*Including 101,789 79 due Baring & Co. † Including 237,333 83 cost of Bridge. ‡ 6000 deducted from profits. § 10370 80 deducted from profits. || 150 per share. ¶ Besides an extra div. of 16 2-3 p. c.  
\*\* Ex. div. 3 p. c. †† Began business 26th Sept. last.



### INSTRUCTIONS RESPECTING DELAWARE AND SUSQUEHANNA TRADE.

The following article is from the original document lately presented to the Editor by a descendant of one of the parties to whom it is addressed. The instructions given to the commissioners, show the amicable disposition of our state towards its neighbours; in 1786, when the subject of a communication between the Delaware and Chesapeake was engaging attention, and as the circumstances of the present period, are somewhat similar, it appears to us seasonable to introduce it.

#### IN COUNCIL.

PHILADELPHIA, October 26th, 1786.

Gentlemen,—To your own sense of the importance of the negotiation with the States of Delaware and Maryland which you are now about to enter upon, Council might have very safely trusted, as well for your abilities in conducting, as for your zeal in bringing it to a favourable conclusion. They however esteem it a duty to impress you with some ideas which in certain conjunctures may serve you as leading principles, and be pleaded as motives.

You will remember how much the welfare of Pennsylvania depends on her export trade, and as a navigable communication between the two Bays of Chesapeake and Delaware will aid our exports more or less according to the extent to which the work may be prosecuted. You will herein have a sufficient motive to contend for the communication upon the largest practicable scale. A like consideration may induce Maryland to press more particularly on the subject of the Susquehanna navigation. In this case that State should know that the improvements there should correspond in extent with the views entertained with regard to the former navigation.

The States, parties to the negotiation have the same general objects, but as each may be attached to ways of accomplishing them, particularly favorable to itself, unless a spirit of mutual concession take place among the negotiators, a particular bias may tend to disappoint the main purpose. You will not therefore risque too much on that head, but sometimes yield in points not materially disadvantageous to the State when it may be necessary to procure a general concurrence.

If principles could be established to determine the comparative benefits to each state, from the new navigation, then the burthen of expence to be borne by each State might be precisely adjusted; but as such accuracy is not attainable, Council in this article are not averse to your application of the rule just laid down.

CHARLES BIDDLE, Vice President.

To the Hon. Francis Hopkinson, Esq. Dr. John Ewing, David Rittenhouse, Robert Milligan, and George Latimer, Esqrs.

#### THIRD ANNUAL REPORT OF THE

#### BOARD OF INSPECTORS OF THE EASTERN STATE PENITENTIARY.

The Report of the Board of Inspectors of the Eastern State Penitentiary for the year 1831, being the Third Annual Report made in conformity with the act of April, 1829.

*To the Honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

The term for which the members of the late board were commissioned, having expired, the following persons have been appointed inspectors, by the honorable the judges of the Supreme Court; viz. Charles S. Cox, Thomas Bradford, Jr., Benjamin W. Richards, John Bacon and William H. Hood; and the new board was organized by the election of the following members to the offices attached to their names respectively, viz.

CHARLES S. COXE, President,  
THOMAS BRADFORD, JR. Secretary,  
JOHN BACON, Treasurer.

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The office of Warden, continues to be held by SAMUEL R. WOOD, and, that of Physician by Dr. FRANKLIN BACHE.

During the last year fifty prisoners have been received at the Penitentiary; fifty-eight had been committed at the date of the last annual report, making an aggregate of 108 prisoners received at this institution since it was opened on the 1st day of July A. D. 1829. 87 convicts now remain in confinement. Various matters required by the acts of assembly to be particularly reported, are stated in the annexed table marked A.

Four deaths have occurred; twelve prisoners have been discharged by expiration of their sentences; one convict has been pardoned without the recommendation or interference of any of the officers of this institution; the pardon having been obtained, it is understood, upon the favourable circumstances of the case, represented by those acquainted with the prisoner and the facts, in the county in which he was convicted. There has been no escape. The general health of the prisoners has been good, and it is believed that no death has resulted from the confinement of the deceased, nor has any disease appeared among the prisoners that can be attributed to this system. The opinion heretofore expressed, that the practical operation of this institution is beneficial to the moral and not injurious to the physical powers of the prisoners, has been confirmed by another year's experience and observation.

The law which requires the appointment of a Religious Instructor of the prisoners, providing that his services shall be gratuitous, the Board has been unable to obtain a suitable person to fill that important office. Moral and religious instruction forms one of the most important features of the system, and will require the faithful, unremitting, and undivided attention of a *Chaplain*, or Religious Instructor, whose duty it is to pass from cell to cell; to visit every prisoner frequently during the week, to remain with him a considerable time, teaching him his duty to his Creator, his country, and himself, and with the exercises of the Sabbath, will require his residence in the Penitentiary, or in its immediate neighbourhood. The whole time of any one *clergyman* will certainly be required as soon as all the convicts of the Eastern District shall be confined within these walls. It is true, that "*The Philadelphia Society for alleviating the Miseries of Public Prisons*," and "*The Philadelphia Bible Society*," have continued to furnish the Holy Scriptures and other religious works, and that some clergymen have visited the prisoners, and, particularly, that the Rev. Mr. James Wilson has performed divine service for some time, on every Sunday; and hence much good has resulted to the Institution; yet, in the opinion of the Board, this branch of the system has not been satisfactorily and liberally carried into execution.

Extracts from the Report of the Warden, marked B., from the Report of the Physician, marked C., and the Report of the Building Committee, detailing the progress of the Prison towards completion, marked D., are respectfully submitted.

The experience of another year has also tended to confirm the opinion, that the prisoners can generally maintain themselves by their labour in solitude. The aged, the diseased, those under short sentences and requiring to be instructed in trades, in consequence of having no occupation that can be pursued in the Penitentiary, will form exceptions to this rule.

Finally, the actual operation of the Penitentiary System of solitary confinement at labour, with instruction in labour, in morals, and in religion, has continued to command the approbation of the Board, and, in the opinion of its members, the friends of the Institution have great cause to rejoice in its success, as the best evidence of its excellence, and of the practical wisdom and humanity of its founders.

CHARLES S. COXE, President.

Attest—T. BRADFORD, JR., Secretary.  
Eastern State Penitentiary of Pennsylvania, }  
2d Januray, 1832. }



No.	Age	Sex	Place of Nativity.	Sentenced.	Time.	Offence.	At what court tried.	Times convt'd
59	27	Male	Ulster county, N. Y.	Jan. 8 1831	1 year	Passing countf. coin	Q. S. Luzerne county	1st
60	28	—	Northumberland co. Pa.	Jan. 7 "	1 year	Forgery	Q. S. Columbia	1st*
61	47	—	Sunbury, Pa.	Jan. 17 "	2½ years	Horse stealing	O. T. Dauphin	1st
62	31	—	Laneaster, Pa.	Jan. 25 "	4 years	Forgery	O. T. Laneaster	"
63	21	—	Philadelphia.	Jan. 19 "	13 mon.	Horse stealing	Same	"
64	24	—	Southern States.	Jan. 19 "	4 years	Burglary	Same	"
65	30	—	Orange county, N. Y.	March 16 "	4 years	Forgery	Q. S. Philadelphia	2d
66	21	—	Philadelphia.	March 16 "	4 years	Forgery	Same	1st
67	38	—	Ireland.	April 5 "	3 years	Horse stealing	Q. S. York	"
68	22	—	Luzerne co. Pa.	April 8 "	1 year	Horse stealing	Q. S. Luzerne	"
69	30	—	Connecticut.	April 30 "	6 years	Burglary	O. T. Philadelphia	"
70	27	—	Delaware.	April 30 "	6 years	Same	Same	3d
71	26	—	N. Jersey.	April 30 "	6 years	Same	Same	"
72	28	—	Philadelphia.	April 30 "	6 years	Same	Same	2d
73	21	Fem	Delaware.	April 30 "	3 years	Manslaughter	Same	"
74	20	—	Philadelphia.	April 30 "	6 years	Manslaughter	Same	"
75	19	Male	Bradford co. Pa.	May 14 "	1 year	Horse stealing	Q. S. Bradford	1st
76	18	—	London.	June 23 "	3 years	Forgery	Mayor's Court Phila.	"
77	53	—	Delaware.	April 19 "	4 years	Horse stealing	O. T. Laneaster	1st†
78	31	—	Holland.	July 9 "	4 years	Forgery	Mayor's Court Phila.	1st
79	21	—	Philadelphia.	Aug. 6 "	2 years	Passing countf. coin	O. T. Berks	"
80	18	—	Berks co. Pa.	Aug. 6 "	2 years	Burglary	Same	"
81	25	—	Berks co. Pa.	Aug. 6 "	4 years	Arson	Same	"
82	24	—	New York.	Aug. 9 "	2 years	Horse stealing	Mayor's c't Laneaster	"
83	30	—	Pennsylvania.	Aug. 16 "	4 years	Robbery	O. T. Laneaster	2d
84	23	—	England.	Aug. 19 "	4 years	Horse stealing	Q. S. Northumb'land	1st
85	25	—	England.	Aug. 19 "	4 years	Horse stealing	Same	"
86	46	—	York co. Pa.	April 21 "	15 mon.	Horse stealing	Q. S. Laneaster	"
"	"	—	"	Aug. 16 "	1 year	Forgery	Same	"
87	21	—	Bueks co. Pa.	Sep. 12 "	3 years	Horse stealing	Q. S. Bueks	"
88	29	—	Chester co. Pa.	Sep. 28 "	7 years	Intent to commit rape	Q. S. Philadelphia	"
89	52	—	England.	Oct. 4 "	7 years	Ass't & battery with intent to murder	Mayor's Court Phila.	"
90	25	—	Ireland.	Oct. 5 "	14 mon.	Larceny	Mayor's Court Phila.	"
91	24	—	Delaware.	Oct. 24 "	13 mon.	Larceny	Same	"
92	46	—	England.	Nov. 1 "	3½ years	Horse stealing	Q. S. Schuylkill	"
93	60	—	Pennsylvania.	Nov. 17 "	1 year	Perjury	Q. S. Columbia	"
94	26	—	Virginia.	Nov. 17 "	2 years	Larceny	Q. S. Cumberland	"
95	21	—	New Jersey.	Nov. 17 "	3 years	Larceny	Mayor's c't Laneaster	"
96	20	—	Delaware.	Nov. 17 "	3 years	Larceny	Same	"
97	26	—	Pennsylvania.	Nov. 24 "	4 years	Arson	O. T. Montgomery	"
98	39	—	London.	Nov. 30 "	2 years	Burglary	O. T. Delaware	"
99	15	—	Philadelphia.	Dec. 10 "	2 years	Burglary	O. T. Philadelphia	"
100	24	Fem	Delaware.	Dec. 10 "	2 years	Manslaughter	Same	"
101	29	—	Delaware.	Dec. 10 "	2 years	Manslaughter	Same	"
102	42	Male	Laneaster co. Pa.	Nov. 23 "	12 years	Murder	O. T. Laneaster	"
103	38	—	Maryland.	Nov. 26 "	3 years	Robbery	O. T. Dauphin	"
104	21	—	Philadelphia.	Dec. 20 "	2½ years	Larceny	Mayor's Court Phila.	"
105	18	—	Philadelphia.	Dec. 21 "	3 years	Larceny	Same	"
106	40	—	Ireland.	Dec. 27 "	18 mon.	Larceny	Same	"
107	34	—	New Jersey.	Dec. 29 "	3 years	Larceny	Same	"
108	24	—	Bueks co. Pa.	Dec. 29 "	3 years	Larceny	Same	"

THE FOLLOWING PRISONERS HAVE BEEN DISCHARGED IN 1831, WHO WERE OF THE NUMBER REPORTED AT LAST SESSION.

118	—	Harrisburg, Pa.	Oct. 22 1829	2 years	Burglary	O. T. Delaware	1st†
542	—	Franklin co. Pa.	Nov. 11 "	2 years	Horse stealing	Q. S. Cumberland	2d
622	—	New York.	Nov. 17 "	2 years	Horse stealing	O. T. Laneaster	1st§
829	—	Ohio.	Nov. 25 "	2 years	Horse stealing	Q. S. Adams	1st¶
1148	—	Virginia.	Dec. 30 "	1 year	Horse stealing	O. T. Schuylkill	3d**
1326	—	New Jersey.	Jan. 5 1830	2 years	Forgery	Mayor's Court Phila.	4th††
1421	—	New York.	Jan. 4 "	1 year	Forgery	Q. S. Columbia	1st‡‡
1620	—	South Carolina.	Jan. 19 "	15 mon.	Horse stealing	Q. S. Laneaster	2d
2331	—	Pennsylvania.	April 15 "	1 year	Forgery	Q. S. Montgomery	2d§§
2634	—	Delaware.	July 31 "	1 year	Forgery	Q. S. Philadelphia	1st¶¶
3328	—	New Jersey.	Aug. 17 "	9 years	Burglary	O. T. Montgomery	1st***
3819	—	New York.	Aug. 17 "	1 year	Horse stealing	Q. S. Northumb'land	1st†††
3920	—	Northumberland co. Pa.	Aug. 17 "	1 year	Horse stealing	Same	1st‡‡‡
4335	—	Delaware.	Oct. 6 "	3 years	Horse stealing	Q. S. Philadelphia	1st
4543	—	Maryland.	Oct. 9 "	13 mon.	Robbery	O. T. Laneaster	1st§§§

\* Pardon'd, April 4, 1831.

† Died, Oct. 18, 1831.

‡ Time out, Oct. 22, 1831.

|| Time out, Nov. 11, 1831.

§ Time out, Nov. 17, 1831.

¶ Time out, Nov. 25, 1831.

\*\* Jan. 17, 1831—detained for costs.

†† Died, May 17, 1831.

‡‡ Jan. 17, 1831—detained for costs.

||| Time out, April 19, 1831.

§§ Time out, April 15, 1831.

¶¶ Time out, July 31, 1831.

\*\*\* Died, March 6, 1831.

††† Time out, Aug. 17, 1831.

‡‡‡ Time out, Aug. 17, 1831.

||| Died, Aug. 20, 1831.

§§§ Time out, Nov. 9, 1831.

No prisoner has ever been convicted a second time to this Penitentiary.



## EXTRACT FROM THE WARDEN'S REPORT.—B

In taking a review of the operations of the Penitentiary for the past year, it is gratifying to find, that nothing has occurred to discourage, but much to prompt us in a steady perseverance in the Pennsylvania System of Prison Discipline.

The general health of the prisoners has been good; and (if we are not much mistaken and deceived by appearances) the moral effect produced on many who have undergone our discipline, has been and is of the most beneficial character.

The conduct of the prisoners has been such, as rarely to require correction or punishment: for the last three months, we have had but two instances for which even a meal has been stopped for bad behaviour.

One of those received the past year is an idiot; well known to be such in the county from which he came: and I believe that I am warranted in saying, (from testimony that I have received,) he would not have been convicted if he had not been a troublesome fellow in the neighborhood, which circumstance rendered his removal from it desirable. We received a convict of a similar character in 1830: both of these prisoners were on the day of their arrival, much more fit subjects for the Alms House, than the Penitentiary.

The proportion of deaths is large for the number of prisoners, but can in no respect be attributed to the system of confinement. No. 13, was a remarkably healthy, robust young man, and had enjoyed excellent health up to the day when he was attacked by Epilepsy, which carried him off in a few hours. Two others came in diseased: one of them to such a degree that he was carried from the stage to the cell, and rarely if ever, sat up in bed afterwards. I have no doubt but the severity of a ride of sixty miles, in his weak state, very much hastened his dissolution. The other was in a delicate state of health when he came in, and gradually sunk into a decline.

Of the whole number discharged from the commencement of the establishment, we have received an unfavorable account of but one. This was an old convict who has been passing from one prison to another for the last 15 years; and through deception and the lenity of the judge, was sentenced to but one year. When he was discharged I had little expectation of his doing well: he has however, shown a decided disposition to avoid this prison hereafter.

Of the 87 prisoners now in custody, 43 are employed in the weaving and dying department; 18 in the shoe-making; 2 in the carving; 4 in the blacksmith; 3 in the carpenter; 1 in the carriage making; 2 in the locksmith; 1 in the tailoring; 2 in the wool picking; 1 in the cooking; and 1 in the washing departments: 3 are indisposed; 2 are idiots; 1 man aged 73, is too infirm to work, and 3 just received have not been employed.

It is satisfactory to find on a settlement of our accounts, that under all the disadvantages of a new establishment, the convicts have, with a few exceptions, maintained themselves; proving that prisoners can in many branches of business work to quite as great advantage in separate confinement as together. The exceptions are one old man, the diseased, and a few who came in without trades, and had but 1 year or 13 months to serve: this period being too short to learn a trade, and afford time to remunerate us for teaching them.

In conclusion, I may congratulate the Board on the prosperous state of the Penitentiary in every respect, and I humbly hope by divine aid, that it will prove a blessing to most, if not to all, of the unhappy persons who are brought within its walls.

## EXTRACT FROM PHYSICIANS REPORT.—C

To the Inspectors of the Eastern Penitentiary; the Physician respectfully presents his annual report for 1831.

The health of the prisoners for this year has been gen-

erally good; though a few cases of severe indisposition have occurred. The confinement operates differently on different prisoners, increasing the health of some, and lessening that of others; but the average health of the whole is, perhaps, as good as when they were received.

Four deaths have occurred in the course of the year. The following table presents the state of health on admission, and cause of death, of each of these prisoners.

<i>Number of the Prisoner.</i>	<i>State of Health on admission.</i>	<i>Cause of Death.</i>
33.	Good.	Dropsy of the chest.
13.	Tolerable.	Epilepsy.
43.	Doubtful.	Disease of Mesenteric Glands.
77.	Helpless from a severe injury to hip and thigh.	Injury to hip and thigh.

The average number of prisoners in the Penitentiary for the year has been 67.4. Four deaths having occurred, gives the mortality for the year at a little less than six per cent. The average number confined in 1830, was 31; and there having occurred but one death, the mortality for that year is a little more than 3 per cent. The average number confined since the opening of the Penitentiary has been 44.4. The total number of deaths having been five, gives the average amount of mortality, from the commencement, at a little less than five per cent.

The mortality of the present year, it is perceived, is considerably greater than for the last. The Board however will observe, that in 1831, accidental circumstances have increased the number of fatal cases. The physician deemed the health of No. 33, to be good when he arrived; but dissection revealed the existence of extensive disease of the chest of long standing, which no doubt laid the foundation of the affection, of which he died. No. 43, was in bad health when admitted. No. 77 arrived from a neighbouring county in a state of complete helplessness, from a fracture of the neck of the thigh bone and other serious injuries. His condition was such that he kept his bed from the moment of his reception to the day of his death. He was evidently not in a proper condition, to be removed from the county prison, much less to undergo the fatigue of a long journey.

It is difficult to form an estimate of what will probably be the average mortality among the prisoners in the Penitentiary for a series of years, from results deduced from so small a number of prisoners as have yet been received. This difficulty arises from the circumstance, that while the number of the prisoners is so small, a single death bears so large a proportion to the whole number confined as to swell the per centage of mortality very considerably.

No particular disease can be said to prevail in the Penitentiary, as the result of the mode of confinement or discipline; and no mental affection has been superinduced. The affections which have occurred most frequently have been Coughs, Rheumatic pains, and Diarrhoea.

## REPORT OF BUILDING COMMITTEE.—D

The Building Committee while offering their report in relation to the erection of additional cell buildings, have to express their regret, that more progress has not been made toward their completion.

Notwithstanding the work was commenced late in the season, yet they did hope that the year would not have closed upon them without witnessing the entire erection under roof of one of the blocks of the buildings.

The numerous houses that have been placed under contract the past year in the city and its vicinity caused an excessive demand for materials of all kinds: this circumstance, combined with the construction of the Breakwater, created so great request for our important



and principal material, stone—that great difficulties were presented in procuring a full and constant supply of that article, and consequently impeded very much the expected rapidity of the work.

Toward the close of the building season this impediment seemed to have been removed by a contract with the proprietor of an extensive quarry who did not doubt his ability to supply us. A few loads were received from him, when the unexpected and sudden approach of severely cold weather put an entire stop to the further reception of stone, as also to the masons' work, and they were obliged to resort to measures to secure the work already done from the effects of frost, at least one month earlier than they had anticipated.

Although the progress of the work has been constantly under the supervision of the Members of the Board, it may not be deemed improper for the Committee to give some general account of the work done, the materials purchased and its present situation.

On or about the 1st of June the preparatory arrangements were made by the Architect and Superintendant, by fixing the levels and laying out the foundations, for three blocks of buildings, radiating from the centre in conformity with the original plan; and about 15th of the same month a number of laborers with horses and carts were employed to dig and remove the superincumbent Earth: in the performance of this labour not less than ten thousand yards of earth were taken away.

The Masonry was begun on the eleventh day of July, and continued as vigorously as circumstances would admit, until the severity of the season forbade further progress, when the number of perches laid amounted to near 4000.

In the North block 44 large and 50 smaller cast iron door frames and cases are fixed and completed with the cast iron shields in front of the openings for admission of warm air into the cells. 50 other door castings, and 100 sky light frames are fitted and prepared for placing in their respective situations as soon as they may be required. 150 brackets of cast iron for the support of the gallery to be placed in front of the second tier of cells in the North Block are also prepared and ready for use as soon as wanted. The whole number of Pieces of iron Castings consists of 334 door frames, 116 sky lights, 255 slides to cover warm air openings into the cells. 180 brackets for support of gallery in second story. 15 pieces, 8 inch pipe, 18 pieces iron steps for stair way.

The walls of the West and North West blocks are above ground, and those of the North, ready for arching as soon as the season will permit, for which purpose 150,000 bricks have been purchased and are now on the site. There is also a considerable quantity of lumber, a portion of which is intended for wooden doors and floors of the cells. The lime has been regularly delivered as required, by Daniel Davis who furnished through the season 3709 bushels.

The Committee hope to be prepared to commence again as soon as the approaching season for building will warrant; and, they trust with more confidence in obtaining the materials than they heretofore had.

JOHN BACON, } Building  
WM. H. HOOD. } Committee.

To the Board of Inspectors, &c.

#### REPORT OF THE BOARD OF MANAGERS

OF THE

#### LEHIGH COAL AND NAVIGATION COMPANY,

To the Stockholders, January 9, 1832.

At the stated annual meeting of the Stockholders of the Lehigh Coal and Navigation Company, January 9, 1832,

JAMES McALPIN, Chairman.

Information being communicated to the meeting, that

JOSIAH WHITE had resigned his office as *Acting Manager at Mauch Chunk*, and removed his residence to Philadelphia—it was, on motion, unanimously,

Resolved, that the thanks of the Stockholders be presented to him for his able and valuable services, during the long period of his arduous appointment.

From the minutes,

EDWIN WALTER, Secretary.

At an election held on the 9th January, 1832, the following named persons were chosen officers of the Lehigh Coal and Navigation Company, for the ensuing year: viz.

#### President.

JOSEPH WATSON, Esq.

#### Managers.

Josiah White,	John Cook,
Erskine Hazard,	George Peterson,
Timothy Abbott,	Jonathan K. Hassinger,
Thomas Earp,	Evans Rogers,
Ephraim Haines,	John McAllister.

#### Treasurer.

Otis Ammidon.

#### REPORT OF THE BOARD OF MANAGERS.

The Managers of the Lehigh Coal and Navigation Company, in offering their annual communication to the Stockholders, have again to regret, that contrary to the anticipations of their last Report, they have been unable to derive any material benefit from either the Delaware or Morris canal, and have therefore been prevented from carrying their business to the extent for which arrangements had been made.

The Morris Canal was not ready for use until within a few weeks of the close of the season; but a considerable number of boats laden chiefly with coal from Mauch Chunk, a portion of the contract for 50,000 tons mentioned in our last Report, were passed throughout the whole line from the Delaware to Newark Bay. It is a highly gratifying circumstance that this canal is now completed, and its successful operation during the short period referred to, furnishes an assurance that in the coming season it will enable us greatly to extend our business with the New York market, and with the extensive agricultural and manufacturing districts through which the canal passes.

Vigorous efforts under the direction of the Canal Commissioners have been made to perfect the navigation of the Delaware canal;—its lower section from New Hope to tide water at Bristol, has been, during the season, with very little interruption, in navigable order; but this has been of no avail to the Company, as the chain of communication with the Lehigh was incomplete, in consequence of the upper section, from Easton to New Hope, being incapable of holding a sufficient depth of water. We are now assured from personal examination, and from sources of undoubted information, that this work will be in navigable order throughout the line, at an early period of the approaching season. As, however, it may be satisfactory to the Stockholders to know the views of the State Commissioners, we subjoin extracts from their recent annual communication to the legislature;—their remarks on the subject are thus introduced:

“At the last annual Report of the Canal Commissioners, December 31, 1830, in speaking of this division they say, that, ‘the filling of the canal for navigation in its whole course, commenced in October 1830;’ and that, ‘twenty-five miles are navigable;’ but they add, that, ‘a part of the work first constructed has proved defective and requires extensive repairs.’ This last observation has been verified by the fact, that since that time, the two Supervisors on the Delaware division have expended \$97,339 51 on repairs, and in introducing



feeders, and the whole line is not yet ready for navigation. The original plan and construction of large portions of this division have proved to be exceedingly defective; and, although every exertion has been made throughout the year, by the officers on the line, to fill the whole canal with water, yet their efforts have heretofore proved unsuccessful.

The twenty-five miles of canal between New Hope and Bristol, was open for navigation on the 20th of last March; and has continued in good order, throughout the season, with but two or three weeks' interruption, caused by the falling of the water in the river from which it was supplied: but for want of a connection with the upper portion of the canal, this part of it has been almost useless. The water from the head of the canal at Easton, has within a short period reached New Hope, and confident expectations are entertained that the whole line will yet be filled, ready for an active navigation next season.

The porous nature of the soil along the Delaware, has demonstrated the fallacy of the original design, of feeding the entire 60 miles of canal from the Lehigh. Hence it has been found necessary to introduce other feeders; one for conveying into the canal, the waters of Durham creek, about ten miles below Easton; it is 1890 feet long, and 12 feet wide at the bottom; and another near Lumberville, by which the water of Milton creek is conveyed into the canal; it is 1509 feet long. Temporary feeders have also been constructed on sections 54 and 61, which will not be required when the repairs of the canal are completed."

The above extracts show the causes which have so long delayed the completion of the Delaware canal.

During the last two years there have been freshets on the Lehigh, unusually great, and of a character heretofore almost unknown; by means of which, parts of our works sustained some damage, which have however been effectually repaired at no great expense. The resistance offered to these freshets strongly proves the correctness of the opinion, that our works have generally been constructed in a manner, the most substantial and permanent.

The Lehigh canal throughout, is now in good order, and prepared for immediate business.

The rail-road to the old Coal Mine, is in good working condition, and a large quantity of coal is there uncovered and ready for quarrying.

The new rail-road of about four and a half miles in length, connecting the Room Run mines, with the landing at Mauch Chunk, will be completed with a small additional expenditure during the spring; and will enable the Company to supply any amount of coal which may be required.

The great and rapidly increasing consumption of anthracite coal in the United States, which entirely exhausted all the stocks in market the past year, with the fact that there is still a deficiency of supply to the amount probably of from 30,000 to 50,000 tons, renders it certain that a very extensive market is already open for the produce of the mines, and that, with the Delaware and Morris canals fairly in operation, the Company will command a business more proportioned to its immense resources than has yet been practicable.

Although from the causes detailed, the Managers are still unable to declare a dividend on the investments of the Stockholders, yet they are of the opinion, from the present situation and prospect of affairs, that the current year will terminate their disappointments, and enable them at length to conduct a business which will greatly increase in amount and in profit, and yield, not only reasonable dividends, but also the means of reducing the loans which the construction of their canal and of other permanent works have compelled them to contract.

It is expected that at least 100,000 tons of coal will be shipped from Mauch Chunk for the supply of the

coming season. A contract has already been made for mining and delivering it on board the boats; and advertisements have been issued for proposals to perform other parts of the service of bringing coal to market.

Lehigh coal, both at home and abroad, has continued to maintain its good name, and is deservedly deemed an article of superior quality.

The whole quantity brought from the mine, in the past year, including the sales at Mauch Chunk, was 44,500 tons; which, together with 10,500 tons on hand from 1830, has all been sold, making the total sales of the Company in 1831, 55,000 tons.

In consequence of the expectation held out by many persons, in the spring of last year, that a reduction would be made in the price of coal, orders were so long withheld, that all our yards became completely filled, and we were obliged to discontinue bringing it down in the month of August. Afterwards the scarcity of vessels, by raising the price of freight, so much reduced the shipments of coal, that it was supposed no more than the quantity on hand could be disposed of, and therefore the business of transporting coal from Mauch Chunk was not resumed, nor did it appear probable that there would be any scarcity, until the cold weather actually set in;—notwithstanding, however, the tardiness of consumers, here and abroad, in furnishing their orders, and the consequent want of room in the Company's yards, the Managers would have considered themselves justifiable in ordering a large additional quantity to be brought to market, if they could have had the use of the Delaware canal, by means of which they could have increased their stocks at a much reduced cost.

The prospect of speedily realizing a handsome profit by the sale and improvement of water powers and town lots, is highly encouraging. There are probably no scites in the country offering advantages to enterprising individuals for the location of manufactories and other large establishments, equal to those which will be found on the Lehigh, arising from the easy access which the Delaware canal, and the Morris and Raritan canals, afford to the markets of Philadelphia and New York, and the concentration of a large amount of power in each location. All these advantages are more particularly evident at South Easton, a new town recently laid out by the Company. At this place the whole power of the river may be applied under a head of 23 feet. It is situated at the junction of the Lehigh canal with the Delaware and Morris canals; opposite to the flourishing town of Easton, the seat of justice for the county, and containing about 4,000 inhabitants; in the midst of a rich agricultural country, surrounded by a healthy, industrious and numerous population, and in the immediate vicinity of inexhaustible bodies of iron, coal and limestone. All the articles of subsistence are cheap and abundant. This town is distant, *by canal*, about 80 miles from Philadelphia, 96 miles from New York and 46 miles from Mauch Chunk, from whence to Berwick on the Susquehanna, 32 miles, there is a good turnpike road. A portion of the water power and some of the town lots at this place are already disposed of. A number of town lots have also been sold at Nesquehoning, and the numerous inquiries made for them there, as well as at Mauch Chunk and South Easton, show that the public attention is directed towards these promising settlements.

The amount of tolls on the canal during the year 1831, was about \$45,000; of which the chief part was for coal shipped by the Company.

For further information relative to many of the details of the operations on the Lehigh, reference is made to the report of the Acting Manager, which is herewith submitted.

In conclusion, the Managers repeat the assurance, that their confidence in the successful issue of the enterprise of the Company, is unabated, fully believing that the Stockholders will ere long be amply compensated



for their perseverance through several years of difficulty and discouragement.

By order of the Board of Managers.

JOSEPH WATSON, PRESIDENT.

PHILADELPHIA, January 9th. 1832.

THE ACTING MANAGER REPORTS,

That the stocks on hand, under his care at Mauch Chunk, &c. are the following:—viz.

3,355,367 feet of lumber for building boats, &c. &c.  
2,056 tons of coal at Mauch Chunk,  
300 tons of coal in boats, frozen up in the Lehigh canal,  
800 tons of coal at South Easton,  
308 coal wagons for the rail-road to the old coal quarry,  
21 mule wagons for do. do.  
44 dirt wagons at old coal quarry,  
9 wagons of various descriptions for rail-road,  
115 mules,  
33 horses,  
9 oxen,  
24 canal boats for boating coal,  
6 do. for other work on canal,  
28 coal wagons for Room Run rail-road,  
13 dirt and truck wagons for do. do.  
270,000 tons of coal uncovered at the old coal quarry.

At Room Run mines we have the following preparations for quarrying and mining coal: viz.

6,000 tons uncovered and ready for quarrying at the 50 feet vein.  
540 tons uncovered and ready for quarrying at the 26 feet vein, which is vertical.  
4,500 tons uncovered and ready for quarrying at the 39 feet vein.

We have made an open cut to hard and merchantable coal to one point in the 19 feet vein, and one point in the 12 feet vein, and to four points in the 28 feet vein—and in each of these points we have run drifts or lanes into the coal veins; the sides of these lanes constitute the working breasts of the mine, and the lanes have a rail-road in each, corresponding with the main rail-road, so that the load will be put in the wagon in the mines, and not be changed until capsized from the wagons into the canal boat at Mauch Chunk landing.

The rail-road to the Room Run mines will be finished in the ensuing spring. It is divided into eight sections. The foot or end of the rail road at *Rise.* *Length.*

Mauch Chunk is elevated above the dam,	14.23 ft.	
Sect. No. 1, is from Mauch Chunk landing, to self-acting plane,	11.90	1,200 ft.
" 2, self-acting plane,	120.15	1,260
" 3, for horse power, 1 foot rise in 100 feet,	97.29	9,912
" 4, for horse power, 10 inches rise in 100 feet,	96.51	11,347
" 5, self-acting plane at Room Run,	120.15	1,260
" 6, self-acting plane including the flat part at head of sect. 5, up Room Run,	54.82	891
From the head of sect. 6 commence our coal workings.		
" 7, for horse power, one foot rise in 100 feet,	11.15	1,160
" 8, for horse power,	22.50	750
Total,	548.70	27,780

The whole of the lanes and drifts for working the coal up Room Run, lie on a level with, or above, sections 7 and 8.

The grade of this road is of the best inclination for economy of transportation, and its width is calculated

for a double track throughout. Sections No. 3 and 4, will, however, for the present, have a single track; the remainder of the road will have double tracks. Sections No. 1, 2, 5, 7 and 8, will have wooden sills; and sections No. 3 and 4 have sills of stone blocks, and cast iron knees. The rails are five inches by seven inches thick, and mostly of oak. Sections No. 3 and 4 are about four miles in length, upon which horse power is intended to be used. The horses or mules will descend by gravity, as on our old road, and pull back the empty wagons. On these sections there are twenty slight curves, with a uniform radius of about 1600 feet to each, and between the curves the road is perfectly straight.

With regard to the extent of the Room Run mines, I refer to the description in my last annual Report, which is confirmed by the examinations of the past year.

The following freight was transported on the Lehigh canal in 1831:

Coal,	- - -	42,743 tons.
Grain,	- - -	400 "
Flour,	- - -	2,396 "
Salt,	- - -	24 "
Salt fish, beef and pork,	- - -	27 1/2 "
Beer, porter, and cider,	- - -	4 1/2 "
Other provisions,	- - -	23 1/2 "
Whiskey,	- - -	182 1/2 "
Hay and straw,	- - -	64 1/2 "
Lumber,	- - -	2,430 "
Cord wood,	- - -	1,084 "
Brick,	- - -	7 1/2 "
Slate,	- - -	418 "
Lime, and limestone,	- - -	3,684 "
Other stone, and sand,	- - -	21 "
Iron,	- - -	315 "
Pitch, tar and rosin,	- - -	1 1/2 "
Other Merchandize,	- - -	63 1/2 "

Total, 53,868 tons.

The whole line of our canal had five feet water in it during a portion of the past year, and the navigation was uninterrupted throughout the season, except a few weeks in the 10th month last, when some breaks were made by the highest freshet experienced on the Lehigh, since our settling in that country. Those breaches are repaired, and the banks raised and strengthened; but there yet remains to be done some walling and embankment to make it entirely secure, which, I estimate, will cost a further sum of sixteen hundred dollars.

The total quantity of coal brought from our coal quarries, the past year, was 44,683 tons. To transport this coal from Mauch Chunk, it required, besides 157 loads by canal boats, 616 box boats which took above 4,700,000 feet of lumber for their construction; the total length of box boats built during the year was 10 miles nearly.

The total amount of coal shipped by us from 1820, inclusive, to this time, is 247,244 tons, requiring above 36 millions of feet of lumber; and a total length of the temporary box boats exceeding 97 3/4 miles. These general totals are mentioned, to show the immensity of the line of boats built, and the lumber required to transport so small a quantity of coal, owing to our getting but one voyage out of each boat, before it is broken up; whereas, if we had had canals from the beginning, as we now have, and all this lumber had been converted into canal boats, it would have transported on the canals, fifty loads of coal to each boat, making in the whole upwards of fourteen millions of tons. This comparison of the vast amount of labour bestowed to send so small a quantity of coal to market, by the channels of the river, with what the same amount of labour would effect, by the canals and improvements as they are now made, is very striking. It makes the coal we have heretofore sent away, appear as no more than mere *samples*, when we consider the capabilities of our natural resources.

The Delaware canal has disappointed our hopes of business hitherto, owing to the upper part, for 34 miles,



being fed exclusively from the Lehigh end, and that some of it was badly made, and the lower part could not be tried until the upper part was made sound. A feeder is now nearly ready to be introduced, 10 miles below Easton, and another, 26 to 27 miles below that place; so that the canal in future will be well fed. This canal was largely repaired last year, but it was not till the 11th month, just before the setting in of the winter, that the upper part was made strong enough to hold water sufficient to supply the lower part; since then it held 4 to 4½ feet for a considerable time, and so as to enable us to send a boat with 25 tons of coal to within 4 miles of New Hope.

The line on the Delaware consists of,

88 inland sections of about half a mile each, which will never require much repair.

17 river sections, which are good, and will not require more than ordinary repair.

13 river sections, made with sand on coarse stone base and sides, which will require the banks to be loaded with gravel.

Total, 118 sections, making about 60 miles; in which are 23 locks.

The 13 sections above mentioned, will have hands on them early in the spring to cover the banks with gravel, so as to prevent breaks, and thus keep a constant and uninterrupted navigation in the coming season, or as nearly so, I presume, as the best of new canals.

The Morris canal has also had its difficulties the past season. These difficulties were confined, however, to a few ordinary breaks in the canal, and mainly to about a mile of lime stone sinks; these sinks, as far as known, are conquered, and the method pursued with them, puts it in the power of the Superintendent to fill them up speedily. There has been nothing essentially wrong, to prevent the planes from working, when well supplied with water; and the lack of water was occasioned by the length of time necessary to fill a new canal; and not by any deficiency in the fountains or sources of supply. The planes all work well, and present no interruption—so far from it, that the first flour boat from near Easton, made a trip to Newark and back, a distance of 180 miles, in about seven days (exclusive of the time she remained at Newark.) The navigation was open at the Delaware end, for two or three weeks only, before the close of the season; during which time 39 boats passed through the canal, and of course over the defective part. The whole of the work, when frost set in this winter, was in good navigable order.

Our business for the next season, will not, therefore, rest on works that are altogether untried; and had our prospects, last spring, been as well based, as they now are, in the secure use of the Delaware and the Morris canals, we should have had such a stock of coal on hand in market, as to have prevented all distress for want of fuel on the sea board. For it will be seen that our Company sent from the mines, the past year, only about 41,000 tons, while the supply from all our neighbors was 134,000 tons—whereas our present means and facilities are much greater than theirs, and of course authorize the expectation of a much greater supply. And when we get fairly under way, if we don't do a greater coal business than all our neighbours put together, it will be because we are less industrious, or manage worse than they do; nature having done so much more for us. I don't mean by these remarks to say, that our neighbours are not well off, but only to say we are better off.

Although a series of circumstances has diverted the public feeling, hitherto, from effecting the continuous navigation from the Lehigh to the canal on the North branch of the Susquehanna, by the long contemplated Nescopeck route, yet, whenever the people pause and select the best ground or line, for the general good, they will undoubtedly point the public finger to this line, as the one most to be desired. The use of planes, like those of the Morris canal, would so much reduce the detention or interruption from lockage, as to require, in

the whole distance from Mauch Chunk to Berwick, no more time than about thirty common lift locks.

It is now the twenty-second year since I commenced operations in the works of internal improvement, at the Falls of Schuylkill, in which time I have been absent from that kind of service very few days. It is also the fourteenth year since I began, with my colleague, E. Hazard, our labours at Mauch Chunk and on the Lehigh; and it may therefore be expected that I should have a tolerably matured idea of the works of a Company in whose history I have formed some prominent part. The Lehigh Company, which was incorporated in 1822, started in 1818, with a lease on certain coal lands which they have since purchased in fee, and with a grant of authority from the Legislature of Pennsylvania to improve the navigation of the Lehigh river, which grant reserved to the public the right of using the said improved navigation or canal, on payment of the tolls fixed by law. A temporary and cheap navigation was made in the river, by artificial freshets, to enable the Company to send their coal to Philadelphia, and try the experiment, whether it would sell. This temporary navigation, was completely successful, and five years elapsed, viz: from 1820 to 1824 inclusive, before Anthracite coal was brought regularly to the Philadelphia market from any other quarter than the Lehigh. The experience of those years encouraged the opinion, that the market would sustain the cost of a canal from Mauch Chunk to tide. To ensure then, an early completion of such a navigation, our Company felt the necessity of leading, or making their improvement ahead of the public, who eventually decided on making the Delaware canal. The labour of pioneering, therefore, naturally fell on us. The whole work is now done. The line of navigation may now be considered as complete from Mauch Chunk to Philadelphia, by the Delaware canal, and to New York, by the Morris canal. The latter canal passes through a thickly settled district of country, with an active and wealthy population, and promises a large market for coal along its banks. Our own canal is calculated to pass up and down 400 tons each way per hour; and although this is probably beyond all demand, it is of much moment to know, that the lasting advantage to the Company from making so good a canal, is, that every ton of coal or other freight that passes on it, will be carried at the lowest possible cost.

The improvements at Mauch Chunk, &c., are all made and adapted to a coal business of great magnitude. The finish of the rail-road to the Room Run mines, mentioned above, essentially closes all our outlays, for permanent improvements from our mines to our markets.

Our coal field is explored for a number of miles—and, however large the sum of all the veins in any other Anthracite region or section of coal field, may be, our section at Room Run alone, as far as now opened, exposes to view a body of coal much larger than has been discovered and made known, in this or any other country.

The coal here is not surpassed in quality, it being of our best kind, and it lies so as to drain itself; while the rail-road, which will rank with the best in any country, descends from the mines, the whole distance to the place of shipment at Mauch Chunk.

The old coal mines or quarries, from which we have exclusively drawn our supplies heretofore, and which we still continue to work, lie near the top of the mountain, nine miles by rail-road from the landing at Mauch Chunk. The fifty feet vein opened at Room Run, four miles from the Lehigh, is evidently a continuation of these mines. In case of any sudden and great demand, there is abundant space in the old mines themselves, by extending the uncovering, to employ such a number of workmen in getting out coal, as to meet any emergency.

Such then is the state of our property. It has just attained maturity, and in my opinion, is ready to produce results that will repay us for our perseverance in a great enterprise, involving large disbursements, on which the



stockholders have been deprived of an income for several years. All which is respectfully submitted.

JOSIAH WHITE, Acting Manager.

PHILADELPHIA, 1st mo. 7th, 1832.

## PROCEEDINGS OF COUNCILS.

*Saturday, January 21st, 1832.*

**SELECT COUNCIL.**—Mr. PETTIT offered the following preamble and resolution, which were agreed to.

The select and Common Councils of the City of Philadelphia, having learned with deep regret, that a bill to incorporate the York and Maryland line Rail Road Company, has passed the House of Representatives and is pending in the Senate of Pennsylvania, deem it their solemn duty to express their sentiments and the sentiments of the people of Philadelphia upon this important subject. Aware, as they are, of the principles upon which the system of internal improvement in this Commonwealth was established, and of the inducements offered from time to time, by the legislature under the sanction and encouragement of the people, for its vigorous prosecution by the investment of capital and the employment of skill and labour,—the Councils are not willing to believe that an act will be passed by the authorities of Pennsylvania, which shall permit and direct a departure from the original design of connecting the Western waters of the Commonwealth with the City of Philadelphia as the first and grand object of the system, and which shall, before the successful and thoroughly tested accomplishment of that object, carry the chain of communication into another State, that contributed nothing to the work, but will thus realize immense advantages at the expense of Pennsylvania. The Councils cannot be so short-sighted as to admit that the bill has reference only to the trade of the county of York and the adjacent country, but regard it with those who have heretofore most strenuously urged its adoption, as intended to offer to Baltimore the great trade of Pennsylvania, and of the Western states and territories passing through Pennsylvania;—a trade which the public works of the State will bring to a point on the Susquehanna so near to the town of York, that the improvements now in progress between the Susquehanna and that town, and the contemplated works in Maryland, with the aid of the charter now asked of the legislature of Pennsylvania, will complete the communication from such point to the City of Baltimore. That this is the object in view has not been and could not have been concealed or disguised. The inevitable result of such a measure, independent of the question of the violation of the faith of the State which is believed to be virtually pledged, must be to divert a large portion of the trade of Pennsylvania and the Western states and territories passing to the Susquehanna, from its regular emporium, the City of Philadelphia, to another City out of the limits and beyond the jurisdiction of the Commonwealth;—to confer without the slightest equivalent, on that other city all the advantages of the sale and barter of the produce thus divested; to secure to such other city and consequently to the State to which she belongs, the return trade, of which Philadelphia, and with her, Pennsylvania, now has the immense benefit, and which would thus be lost to her; to strike deeply at the interests of a large part of the people of Pennsylvania engaged in carrying on that trade at Philadelphia; to lessen to a great degree the ability of Philadelphia and consequently her responsibility to furnish her accustomed portion of the revenue of the State, and in the same proportion to decrease that revenue; to lessen to a large amount the tolls of the produce and merchandize going to Philadelphia from the Susquehanna, and returning from Philadelphia to that river on the public works, and thus again seriously to affect the revenue of Pennsylvania;—and in every aspect of the case to inflict a deep injury upon the Eastern part of the state in particular,

and to strike a dangerous blow at the welfare of the people of the Commonwealth at large.

It is known that the suggestion has been repeatedly made, that the passage of the bill in question will furnish to the people of Pennsylvania, whose produce reaches the state works near Columbia, a choice of markets. This argument, though at first it may seem specious, is yet without solidity. It might be enough to remark, that by avoiding improper legislation, Philadelphia will remain, what she now is, a market sufficiently extensive for all the purposes of competition; and that while this State is urging upon the councils of the Union the propriety and necessity of the protecting system, to recognize and enforce the abandonment of the first principles of that system as they can be most directly, profitably, and fairly applied within her own borders, would present a case of glaring inconsistency. While generosity is acknowledged to be praiseworthy, it is submitted that it should not be indulged at the expense of justice, and of the highest interests of the Commonwealth. The generosity necessary to the passage of this bill, goes the whole length of confounding all the distinctions between the people of Pennsylvania, who support her government and pay for her public works, and the people of another State who owe their allegiance elsewhere. But it is entirely overlooked by those who make the suggestion, that by far the greater part of the trade which reaches the Susquehanna near Columbia and ought to go to Philadelphia, is from beyond the limits of this State, and that the persons most concerned in that trade, utter no complaint and ask for no further choice of markets.

The City Councils desire that the utmost practicable liberality should be extended to their fellow citizens of York and the other southern counties of Pennsylvania, and would gladly witness the success of every effort to connect them with the line of canals and railroads through the State; and believe that the legislation of the Commonwealth has not been deficient in a generous spirit towards them. A communication from York to Columbia, and thus to Philadelphia, has never been denied; but, on the contrary, has been encouraged, and would give to the citizens of York every just advantage of the State works, without depriving them of any of the means they now possess of trading elsewhere.

With such views, and without enlarging upon the various points of which the subject is so fruitful; and in the confident persuasion that a full investigation will be made before a final decision, and in a firm reliance upon the disposition of the Legislature of the State to discern and to protect the interests of the whole community. It is

Resolved by the Select and Common Councils of the City of Philadelphia, that they view with profound regret the measures taken towards the passage of a law by the Legislature of Pennsylvania, to incorporate the York and Maryland line Rail Road Company, and that they do in the name and behalf of the people of the City of Philadelphia respectfully, but firmly and solemnly, remonstrate against the enactment of the said bill into a law.

Resolved, That the members of the Senate from the City of Philadelphia, be requested to use their most strenuous exertions to prevent the passage of the said bill through that body, and that the members of the House of Representatives from the city, be also requested, so far as it may yet be within the range of their duty, to use their utmost endeavours to prevent the final passage of said bill.

Resolved, That copies of the foregoing preamble and resolutions, signed by the Presidents and attested by the Clerks of the Councils, be forthwith transmitted to the Governor of the Commonwealth, and to the Speaker of the Senate, and the Speaker of the House of the Representatives, to be respectfully submitted to both branches of the legislature.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. IX.—NO. 5. PHILADELPHIA, FEBRUARY 4, 1832. NO. 214.

From the Wellsborough Phenix.

## SKETCH OF TIOGA COUNTY.

Tioga is one of the northern range of counties, bordering on the state line, bounded east by Bradford, (formerly Ontario,) south by Lycoming, and west by Potter county—its extent is 35 miles by 33, and contains about 700,000 acres of land, three-fourths of which may be said to be well adapted to agricultural purposes, and more especially to grasses, all of which yield abundant crops.

The county was provisionally set off from Lycoming by the Act of 26th March, 1804, and by Act of 21st March, 1806, the seat of Justice was established at Wellsborough. In 1808, the county was organized so far as to elect county commissioners, and in 1812, was fully organized for judicial purposes, being one of the counties that composed the 11th judicial district; and by Act of 25th February 1818, the counties of Susquehanna, Bradford and Tioga were erected into a separate district, and now compose the 13th judicial district, to which the counties of Potter and McKean are provisionally attached.

In 1810, the population was 1687—in 1820, 4021—and by the late census of 1830—9071, showing that in each term of 10 years we have more than double, and from present appearances, the next enumeration will doubtless present a still more favourable result.

The settlement in this county was begun about 1797-8, chiefly by emigrants from Connecticut, claiming under that unfortunate title which has caused so much trouble and litigation to Northern Pennsylvania, and which is now fully settled and compromised: so that at this time, there are few counties in the state, where titles are so well established.

The principal timber is Beech, Maple, Oak, Elm, Hemlock, Hickory and Bass, or Linn: and the uplands, in the vicinity of the larger streams, are well covered with White Pines, of a superior quality—the Sugar Maple abounds in many places, and large quantities of sugar are obtained from this valuable tree.

The county is well situated with regard to navigable streams, having the Tioga, a south branch of the Chemung, on the east, which is navigable for arks and rafts about 30 miles above the state line—the Cawanesque on the north, navigable about the same distance from its confluence with the Tioga, and Pine creek, (and its branches) in the west, which is navigable from and beyond the Potter county line, so that it may be affirmed, that no part of the county is distant from a navigable stream, more than 10 miles. These streams all empty into the Susquehanna; the two former into the North Branch, the latter into the West Branch, near Jersey shore in Lycoming county.

A very extensive lumber business is done on these streams, particularly on Pine creek, whence upwards of five millions of sawed lumber will be sent next spring to the Susquehanna and Baltimore market. But little of our lumber has yet found its way to Philadelphia by the Union Canal, the entrance to which has hitherto been so completely blocked up, during the active season, that our lumber men have preferred their old markets, to an uncertain detention at Middletown. This will doubtless not be the case, when the canal shall have

been completed in the branches, and a facility of getting to market, independent of freshets, will prevent such vast accumulations of lumber as have hitherto occurred in the opening of the spring trade. Still, however, the bulk of lumber will ever be transported by rafts, in preference to using the canal, unless, and which seems very probable, the dams now erecting on the river, will force the descending trade to abandon it. One establishment on Pine creek, now has upwards 900,000 feet, sawed since the last spring.

Wellsborough, the seat of Justice, is located in the territorial centre of the county, 3 miles from the navigable waters of Pine creek, and at the intersection of the east and west state road leading through all the northern range of counties, and the north and south state road from Newberry to the 109 mile stone, on the state line. This village contains 40 or 50 indifferent dwelling houses—a court-house and jail, of no very respectable appearance—four stores—two taverns—two smith shops—two tan yards—one printing office, from which is issued a weekly paper—two shoemaker shops—and fortunately but one distillery—an academy, endowed by the legislature of Pennsylvania, and a school for small children—both of which are respectably supported. In the former, all the usual branches of an academical course are successfully taught, and children from a distance can obtain boarding, in respectable private families, at very moderate rates. The principal and trustees pay strict regard to the moral deportment of the students. Parents in the adjoining counties, will find this institution well worthy attention. This place has not increased so rapidly, as from its favourable situation, and being in the heart of a large body of first rate beech and maple land, could have been expected, owing chiefly to an unfortunate dispute about the location of the seat of justice, which after many years of warm and earnest endeavours to effect a removal, is now considered settled, and those who are interested in its welfare, may confidently look forward to early and valuable improvements.

## PROCEEDINGS OF COUNCILS.

*Saturday, Jan. 21st, 1832.*

The following communication from the tenants of the late Stephen Girard's stores, was received and laid on the table.

*To the Select and Common Councils.*

The undersigned, occupiers of stores Nos. 20, 22, 24 and 26 North Front st. tenanted by us under the late Stephen Girard, which property by his will has passed to the corporation of the city of Philadelphia, respectfully represent that they are unwilling to continue tenants of said property at the rents which they have heretofore paid, and request that Councils may reduce the same to twelve hundred dollars.

At this rate we believe the store contiguous, which has remained unoccupied can be leased, and the whole block permanently tenanted.

GILL, FORD, & CO.  
H. C. CORBIT.  
J. G. HARKER, & CO.

Philadelphia, Jan. 21, 1832.



Mr. PETTIT offered a resolution for the appointment of a Joint Committee of two members of each Council, with leave to proceed to Harrisburg, to enforce the resolutions [respecting the rail-way,] which had been adopted; and Messrs. Pettit, Groves, Wetherill and Coryell, were appointed the committee.

**COMMON COUNCIL.**—The following communication from Mr. Isaac McCauley, was received and laid on the table.

*James Page, Esq. President of the Common Council.*

SIR:—Understanding that a meeting of the Councils is to take place this evening, for the purpose of expressing their opinions respecting the Baltimore and York Haven rail-road, I have thought that the following suggestion might not be deemed by you improper.

That a mutual spirit of friendship and good feeling should exist between every state and city in the Union, is extremely desirable. The present excitement on the subject of the rail-road has, however, at the present time, affected in some degree this spirit as regards this city and Baltimore. The citizens of the latter place, consider our opposition to their views, as selfish and narrow minded. May not a course be taken which will enable each state to manifest its own liberality, and at the same time to recognize the liberality of the other? Let it be recommended to the Legislature to reject the present application, and to extend the Philadelphia and Columbia rail-road through the counties of York and Adams as far as it may be proper, and for the interest of the state so to do. To put in a course of execution immediately the following parts of such road, viz: from Columbia to Gettysburg, a distance of 39 or 40 miles, from thence to some point on the Maryland line leading towards Williamsport on the Potomac. There might also be a branch extended to Chambersburg. When this is completed we may say to our friends at Baltimore, give us a rail-road through your state to Williamsport or some other eligible point on the Potomac, and we will reciprocate the favour by granting what you now ask for. This will try the question, who is the most liberal, and put to rest any unpleasant feelings that may now exist.

I am respectfully, your obt. serv't.

ISAAC MACAULEY.

Philadelphia, Jan. 21, 1832.

The annexed communication from the committee of the house of representatives of Pennsylvania, was received and referred to the Girard committee.

PHILADELPHIA, Jan. 12, 1832.

*John M. Scott, President of Select Council*

Dear Sir:—I am directed by the committee appointed by the house of representatives of the commonwealth of Pennsylvania, "to confer with the constituted authorities of the city of Philadelphia, as to what course may be necessary to enable the state to receive the benefit of the bequest made by the late Stephen Girard, Esq." to inform you that the members of said committee are now in Philadelphia, and will be pleased to co-operate with any committee that Councils may appoint on the subject.

I have the honor to be, respectfully, yours,

JOHN W. ASHVEAD,

*Chairman Com. House of Represent's.*

The following communication from the Mayor, enclosing a letter from Mr. Smith, one of our city representatives, was received and laid on the table.

MAYOR'S OFFICE, Jan. 20th, 1832.

*To the Presidents of the Select and Common Councils.*

Gentlemen—In order to comply with the request contained in the enclosed letter, from one of our representatives at Harrisburg, I transmit the same to you, and am very respectfully yours, B. W. RICHARDS.

HARRISBURG, Jan. 14th, 1832.

Benj. W. Richards, Esq.

DEAR SIR—The committee on the Judiciary System have under consideration the project of a law providing for the removal of Aldermen in the city of Philadelphia, from office in cases of ascertained lunacy by legal process.

The committee wishes to have an expression of the views of the constituted authorities of the city on this subject. You will confer a favour by laying the matter before them in such way as you may deem proper, and informing us of the result of their deliberations.

I have the honour to be &c. your obt.

THOMAS S. SMITH,

*On behalf of the Com.*

Mr. SEXTON offered the following report and resolution, relative to lighting Conrad's Court, which were adopted.

The committee to whom was referred the petition of Matthew Conrad, and others for lighting Conrad's Court:

Beg leave to report, that they have examined said Court, and are of opinion, that the same ought to be lighted at the public expense, especially, as lamps have already been placed there, at the expense of the petitioner.

They therefore offer the following resolution:

Resolved, that the city commissioners be directed to have Conrad's Court lighted, at the expense of the corporation.

Thursday, Jan. 26th, 1832.

**SELECT COUNCIL.**—The annexed communication from the tenants of houses of the late Stephen Girard, in Eleventh street, was received and laid on the table.

*To the members of the Select Council.*

We the undersigned, occupiers of dwellings Nos. 1, 3, and 5, south Eleventh street, tenanted by us under the late Stephen Girard, which property by his will has passed to the corporation of the city of Philadelphia, respectfully represent that they are unwilling to continue tenants of said property, at the rents which they have heretofore paid, and request Councils may reduce the same to four hundred dollars from the 1st inst.

We having taken the houses at a time of extreme scarcity of dwellings, at a price above what we believed their full value, and not intending to remain longer than the present year unless the rents be reduced.

GEO. W. EDWARDS,

JOHN READ, jr. for

WILLIAM READ,

ALBERT BARNES.

Philadelphia, Jan. 26, 1832.

The following communication from the office of the Guardians of the Poor, enclosing a statement from the Commissioners for erecting a new ALMS HOUSE, was received and laid on the table.

*Office of the Board of Guardians, }  
January—1832.*

*John M. Scott, President of the Select Council.*

Sir,—I am directed by the Board of Guardians for the relief and employment of the poor, &c. to furnish the accompanying statement, prepared by the Commissioners for erecting the new Alms-house, as containing the information required by the joint resolution of the Select and Common Councils, of the 14th inst.

Very respectfully, I am sir,

Your obt. serv't.

SAML. HAZARD, Sec'y.

In compliance with the request of the Select and Common Councils of the city of Philadelphia,—The Board of Commissioners for erecting suitable buildings for



the accommodation of the poor, herewith submit the statement desired, viz:—

Cost of the farm comprising 188 acres,	\$51,716 94
Present cost of the two buildings, 500 feet in front each by 65 feet in depth,	195,303 00
Cost of constructing a wharf on the Schuylkill, together with a road leading to the buildings,	4,517 00
Estimated cost to complete the present buildings, Alms House and Hospital,	85,000 00
Estimated cost of two other buildings which are intended as, house of employment, women's apartment and children's asylum, and which are to be built in conformity with the present buildings,	215,000 00
	<hr/>
	\$551,536 94

By order of the Board,

E. W. KEYSER, President.

N. BUNKER, Secretary.

Mr. LIPPINCOTT from the Girard committee, reported the following outline of a bill to be sent to the legislature with a resolution attached, which were unanimously adopted.

*To the Select and Common Councils of the city of Philadelphia.*

The committee on the Girard fund respectfully report the following outline of a bill, and recommend to Councils, the adoption of the resolution thereunto attached: An act to enable the Mayor, Aldermen and citizens of Philadelphia, to carry into effect certain improvements, and execute certain trusts.

Whereas, by the last will and testament of Stephen Girard, late of the city of Philadelphia, deceased, the sum of five hundred thousand dollars is bequeathed to the Mayor, &c., of Philadelphia, in trust among other things, to apply the income thereof, "1. To lay out, regulate, curb, light and pave a passage or street, on the east part of the city of Philadelphia, fronting the river Delaware, not less than twenty-one feet wide, and to be called Delaware avenue, extending from South or Cedar street, all along the east part of Water street squares, and the west side of the logs, which form the heads of the docks, or thereabouts; and to this intent to obtain such acts of assembly, and to make purchases and agreements, as will enable the Mayor, Aldermen, and citizens of Philadelphia, to remove or pull down all the buildings, fences, and obstructions which may be in the way, and to prohibit all buildings, fences or erections of any kind to the eastward of said avenue, to fill up the heads of such docks as may not afford sufficient room for the said street; to compel the owners of wharves to keep them clean and covered completely with gravel, or other hard materials, and to be so levelled, that water will not remain thereon after a shower of rain; to completely clean and keep clean all the docks within the limits of the city, fronting on the Delaware; and to pull down all platforms carried out, from the east part of the city over the river Delaware, on piles or pillars."

"2. To pull down and remove all wooden buildings, as well those made of wood and other combustible materials, as those called brick-paned, or frame buildings filled with bricks, that are erected within the limits of the city of Philadelphia, and also to prohibit the erection of any such building, within the said city's limits, at any future time" "3. To regulate, widen, pave and curb Water street, and to distribute the Schuylkill water therein, upon" a certain plan therein set forth. And whereas, also, by the said will, provision has been made for the establishment and organization and construction of a college, and for the direction and government thereof according to a plan therein set forth; and certain other trusts have been created, and the execution thereof enjoined on the Mayor, &c. aforesaid. Now, for the purpose of enabling the Mayor, &c. aforesaid,

to effect the improvements contemplated by the said testator, and to execute in all other respects the trusts created by his will:

SECT. 1. Be it enacted, &c. That it shall and may be lawful for the Mayor, &c. by ordinance or by act of authorized officers or agents, to lay out, regulate, curb, light, and pave a passage or street, not less than twenty-one feet in width, on the east part of the city of Philadelphia, fronting the river Delaware, at such distance or distances in the several parts thereof, from the eastern line of Water street, as they shall judge proper, extending from Vine to Cedar street, to be called the Delaware Avenue, and the same to be open and kept open for ever, as a common and public highway; and that having laid out such street, they shall cause a record of the same to be made in the Court of Quarter Sessions for the county of Philadelphia.

SECT. 2. That it shall be lawful, &c., for the Mayor, &c., by ordinance, &c., to lay out Water street, in said city, anew, in such manner as that the same shall be as nearly straight as conveniently may be, and of a uniform, or as near as may be uniform, width, throughout, not less than thirty-nine feet if practicable, —and the same to open and keep open for ever, as a common and public highway; and that having laid out said Water street of such increased width, they cause a record of the same to be made in the Court of Quarter Sessions for the county of Philadelphia.

SECT. 3. That it shall be lawful, &c., for the Mayor, &c., to pass ordinances, or take other measures for regulating, adjusting, and determining the easternmost line to which wharves may thereafter lawfully be constructed on the river Delaware, fronting said city, and to cause a record of such regulated line to be made in the Court of Quarter Sessions,—to fix and decide on, or cause their officers to fix and decide on the levels of such wharves, to require the owners thereof to pave the same, or lay them with gravel, according to such regulation, so as effectually to drain and pass off the water from the same, and to require all persons owning and occupying, or using docks to cleanse the same, and to prescribe the form, materials, and character of workmanship of all wharves hereafter to be constructed, and to require all platforms now projecting into the said river, and supported on piles, pillars, or piers, to be removed, and to prohibit the construction in future, of any such projecting platforms, and to require the removal and prohibit the construction in future of all buildings, fences, and other obstructions, to the eastward of Delaware Avenue, above mentioned, and to declare all erections and constructions whatsoever, contrary to the said ordinances, whether erected before or after the passage of the same, to be nuisances; and generally to devise, ordain, and execute whatever other things shall to them, the said the Mayor, &c., be deemed necessary or convenient, for the good arrangement, security, and government of the said wharves;

Provided, that the eastern line of the said wharves shall not be held to be finally determined, and the records thereof shall not be made as aforesaid, unless the board of Wardens of the Port of Philadelphia shall make their certificate in writing, that such easternmost line is not inconsistent with the public interests; which certificate shall also be recorded in the court of Quarter Sessions; but if the said certificate shall not be granted by them within three months after application made therefor, an appeal shall then lie from their decision to the court of Quarter Sessions, as in other cases; and on such appeal, their refusal or omission as aforesaid, to give such certificate, shall, when verified by affidavit, be esteemed their judgment in the premises. *Provided*, that nothing herein contained shall be construed to give authority to any one to erect wharves or piers extending out as far as the said regulated easternmost line without license from the said board of Wardens, as heretofore.

SECT. 4. That it shall be lawful, &c., for the May-



or, &c., to pass ordinances to prohibit the construction within the said city, or any parts thereof, of all framed or brick-paned, or other buildings, the walls whereof are not wholly composed of incombustible materials, to determine the thickness of which walls of buildings of different dimensions and character, shall hereafter be made in the said city, and to make all such other legal provisions as they shall think expedient, for preventing the extension of injuries from fire in the said city; and to declare all buildings, the walls whereof are not wholly composed of incombustible materials, to be nuisances.

SECT. 5. When any of the said ordinances shall have been passed, or other proceedings had in relation to the said Delaware Avenue and Water street, and the regulation of the limits thereof shall have been duly recorded, it shall be lawful, &c., for the Mayor, &c., to proceed from time to time, to open for the public use, any part or parts thereof; and to that end to enter upon such property as may be within the same; construct wharves extending into the river within the lines of said Delaware Avenue, and fill up all docks within the limits thereof, and remove all obstructions of whatever kind from within the limits of said Avenue and Street, or any part or parts thereof, and level, drain, pitch, and pave, the same as other streets in the said city. And from and after the passing of such ordinances, and the record of the said Avenue and Street, all buildings thereafter erected or rebuilt on the said Avenue and Street, shall conform to the recorded limits of the same. And the Mayor, &c., may pass ordinances declaring all obstructions within the same to be nuisances.

SECT. 6. That it shall at all times be lawful for the Mayor, &c., to remove and abate any building, erection, or obstruction whatever, which by this Act, or by any Ordinance to be hereafter passed by virtue of it, may be declared a nuisance. *Provided*, that if such building, erection, or obstruction, shall have been in existence at the time of the passage of this act, or of such ordinance, passed by virtue hereof, the Mayor, &c. shall give at least three months' notice of their intention to remove the same, to the persons having the ownership, occupation, or use thereof; or, in case no such person shall be known to them, they shall affix a copy of such notice to and upon such a building, &c. three months before proceeding to remove the same.

SECT. 7. That it shall be lawful, &c. for the said Mayor, &c. to provide for the punishment of any person or persons who shall knowingly and wilfully commit any nuisance, contrary to the intent and meaning of this Act, and of the Ordinances which may be passed by virtue thereof, and of any person or persons, who, having committed any nuisance, contrary, &c., shall, after notice, refuse or neglect to remove the same.

SECT. 8. That all persons whatsoever, who shall receive damage to their property by reason of any thing to be done by the said Mayor, &c. under this Act or the Ordinances passed by virtue thereof, may, after ten days' notice of such intention, to the said the Mayor, &c., apply, by petition in writing, to the Court of Quarter Sessions for the county of Philadelphia, who shall thereupon appoint a jury of twelve freeholders, citizens of Philadelphia, which jury shall assemble, notice having been first given of their meeting in manner aforesaid, and shall be sworn to ascertain the damages, &c. considering as well advantages as disadvantages, &c. and shall report into Court; and the damages so reported shall be paid by the Mayor, &c., in six months after confirmation of report.

SECT. 9. But, if the said the Mayor, &c. shall deem it expedient that the damages should be ascertained before proceeding to enter on premises for the purpose of removing obstructions, and before appropriating to public use any property of individuals, or otherwise injuriously affecting the rights and interests of any proprietor, the Mayor, &c., may from time to time apply to the Court of Quarter Sessions for jury, as before,

who shall be sworn as before, and report, specifying, in such case, as well the causes for which damages, if any, should be paid, as the amount of such damage; and in such case, the Mayor, &c., may, within one year, tender such amount as jury shall report, and thereafter proceed to enter upon, appropriate, &c. *Provided*, if not tendered in one year, proceeding to be void. *Provided further*, that when a report shall so have been made by a jury appointed on the petition of the Mayor, &c., specifying the causes wherefore damages should be paid, if thereafter any other damage than that reported on shall be sustained, the party may thereafter apply for new jury. *Provided*, however, that it shall be competent to the city to make agreements with any owner or owners of property so to be taken or affected, for the damages thereby to be occasioned, and such agreements shall be instead of any of the proceedings detailed in this or the foregoing section.

SECT. 10. And for as much as in the course of time, it may appear that powers are not vested in the said the Mayor, &c., which may be yet required to the full execution of the will of the said Stephen Girard, and it is the object and intent of this act, fully to confer all such powers, be it further enacted, &c. &c., that the said Mayor, &c., shall have, and are hereby invested and gifted with full power, right and authority to exercise all such jurisdiction, enact all such ordinances, and do and execute all such acts, and things whatsoever as may be necessary and convenient for the full and entire acceptance, execution, and prosecution of any and all the devises and bequests, trusts and provisions, contained in the said will, or any part or parts thereof.

Resolved, that the committee on the Girard Fund, cause to be prepared a bill, embodying the provisions set forth in the above outline, and that they cause such bill to be forwarded to the chairman of the committee of the House of Representatives of this state, with a respectful intimation that it contains such provisions as in the estimation of the Councils of this city, are required to enable them to fulfil the purposes of the testator.

Mr. LIPPINCOTT from the same committee made the following report and resolutions, which were adopted.

*To the Select and Common Councils of the City of Philadelphia.*

The committee on the Girard Fund, beg leave further to report:

That they have considered the matters submitted to them as fully and deliberately as the time which has elapsed since their appointment would permit; and they have agreed for the present to recommend to Councils the adoption of the following resolutions:

Further measures will be recommended in future reports.

1st. Resolved by the Select and Common Councils of the city of Philadelphia, that the Mayor be and he is hereby requested in this month of January, in behalf of the corporation, to cause to be prepared and published, in two or more newspapers, printed in the city of Philadelphia, a concise but plain account of the state of the trusts, devises and bequests to the city of Philadelphia, by the late STEPHEN GIRARD, agreeably to the requisition of his will.

2d. Resolved, by the Select and common Councils of the city of Philadelphia, that the Mayor and City Treasurer be and they are hereby authorised to pay to the several persons entitled to the annuities, charged upon real estate in Pennsylvania, devised by the late Stephen Girard, Esq. to the corporation of Philadelphia, out of the rents of said real estate, the amounts due to them respectively.

3d. Resolved, that the clerks of Councils be directed to purchase a book, well and substantially bound, and to cause to be recorded therein the several schedules of property received from the executors of Stephen Girard, and that said book be lettered "Book of Girard's Real Estate," and that a separate leaf or more be applied to each separate piece of property, with an al-



phabet, by which a reference to any particular estate may be easily made.

Mr. JOHNSON offered the annexed resolution, which was agreed to.

Whereas, by a resolution of Councils, the Mayor is authorized to take charge of certain real estates described in the rent rolls, exhibited by the executors of the late Stephen Girard, and to let such parts thereof as are now unoccupied, for the term of one year:

And whereas, the applicants for the several tracts of land are unwilling to rent them for a less term than from two to three years, and it is believed to be to the interest of the corporation, that a longer term than that specified in said resolution should be given them:

Therefore resolved, by the Select and Common Councils, that the Mayor be and he is hereby authorized, to let so much of said lands as are situate in Passyunk and Moyamensing townships, for any term not exceeding three years, and any other resolution having a bearing on this subject to the contrary notwithstanding.

Mr. PETTIT as chairman of the committee on the Franklin Legacy, made the following report and resolution, which were agreed to.

The committee on the Franklin legacy fund, to whom was referred the petition of Israel E. James, report:

That the amount due on the 1st January, 1832, (per City Treasurer's account) by the petitioner to the corporation, charging interest at five per cent. was \$178 72. Under the circumstances set forth in his petition, which they believe to be correctly stated, they recommend the settlement of the claim upon the principles of the following resolution:

Resolved, by the Select and Common Councils, that upon payment by Israel E. James of the sum of one hundred dollars and the costs, the City Solicitor be authorized to enter satisfaction of a judgment against him and his sureties in the district court, on a bond given to secure payment of money borrowed from the Franklin legacy fund.

The committee also recommend the adoption of the following resolution:

Resolved, that the clerks of the Councils furnish Israel E. James with a copy of the foregoing resolution.

COMMON COUNCIL.—Mr. MOSS offered the annexed resolution which was unanimously adopted, and the committee were accordingly ushered in by the mover.

Resolved, that the gentlemen comprising a committee on the part of the House of Representatives of this state, appointed for the purpose of conferring with the city authorities on matters connected with the estate of the late Stephen Girard, and who are now in the city, be invited to take seats within the bar, and that the Clerk be directed to furnish them with a copy of this resolution.

Mr. SEXTON offered a petition from Mrs. Eliza Hud- dy, praying that the hydrant pump opposite her door may be removed, which was referred to the watering committee.

Mr. BAKER presented three petitions for new paving: one for Vine street from Schuylkill Front to Schuylkill Eighth street—one for St. Joseph's avenue, running from Schuylkill Sixth to Fifth street, between Chesnut and Barker street, and one for Barker street; which were referred to the paving committee.

Mr. BAKER presented a petition praying that the lot of ground owned by the city, running from Schuylkill Front to Schuylkill Second street, fronting on the south side of Vine street, may be appropriated for the erection of a market house, which was referred to the committee on markets.

The following letter from the Mayor, enclosing the petition referred to, was received, and referred to the committee on Penn square.

MAYOR'S OFFICE,  
January 20, 1832. }

To the Presidents of the Select and Common Councils.

Gentlemen: At the request of some of the petitioners, I transmit you the enclosed paper, in which the horse market at the corner of High and Broad streets is complained of as an "old and increasing nuisance." Some legislation prohibiting markets for the exhibition and sale of horses, except within suitable enclosures, appears to be required in order to remove the grievance complained of.

Very respectfully, &c.

B. W. RICHARDS.

Mr. HOON, from the committee on markets, made a report and resolution, recommending that Messrs. Reeves, & Co. be exonerated from paying rent for Market street wharf, while it was undergoing the repairs: which was adopted.

Mr. BAKER, from the paving committee, made the following report and resolution, which were agreed to.

The paving committee, to whom was referred the petition of the managers of the Pennsylvania Hospital, report:

Whereas the legislature of Pennsylvania have before them the petition from the managers of the Pennsylvania Hospital for the vacation of Blackberry alley, between Pine and Lombard street, they offer the following resolution:

Resolved, that it is inexpedient for Councils to interfere in the subject.

The annexed communication from Mr. George W. Smith, was received and laid on the table.

To James Page, Esq. President of the Common Council.

Philadelphia, Jan. 26, 1832.

On the 17th instant, the city councils of Lancaster unanimously resolved to send a delegation of two persons, viz: Messrs. Buchanan and Champneys to Harrisburg, for the purpose of vacating a portion of the Pennsylvania rail-road, from Columbia to the city of Philadelphia. I deem it my duty to present this subject to the attention of our city councils, in order that they may take such measures as may be necessary to prevent the success of a project, which, if effected, will inflict a vital injury on the prosperity of this city and of the state. The citizens of Lancaster have been among the earliest and most zealous opponents of the system of improvements in which the commonwealth has been engaged. They are now endeavouring to destroy and vacate a number of sections of the great rail-road, on which depends the intercourse of the eastern with the western and northern parts of Pennsylvania, and with the neighbouring states. These sections have been finished, with the exception of laying the rails, at a considerable expense, with that excellence in the design and the construction, which characterize the works of the eminent engineer to whom the plan and superintendence have been entrusted. The citizens of Lancaster desire to render useless all the large but judicious expenditure on these sections which has already been incurred in order that the *main line* of the rail-road may be diverted from its present course through their borough, and that another line may be located and constructed at the expense of the state through a part of that borough, which is entirely unsuitable to the purpose. The proposed alteration will be attended with enormous expense—will lengthen the distance—will render the profile more undulating and steep—the plan more circuitous, and the curves more abrupt and numerous—and consequently materially impair the great highway of the commonwealth, for the purpose of conferring a trifling *local* advantage on a *portion* of the city of Lancaster—which can be adequately accommodated by a short, convenient, and cheap branch, if the latter be necessary. The councils of Philadelphia have evinced great anxiety in relation to the construction of a rail-road from the Susquehanna to Baltimore; the present



project is calculated to excite more just and serious apprehensions than the railroad just mentioned. I would respectfully suggest the propriety of appointing a committee to investigate this subject, with power to adopt such measures as may be deemed expedient in relation thereto.

I remain, very respectfully, your obedient servant,  
GEORGE W. SMITH.

MR. SULLIVAN offered the following preamble and resolution, which were adopted by the Common Council, but were laid on the table in Select Council, and Messrs. Sullivan and Ryan were appointed the committee on behalf of the Common Council.

Whereas the citizens of the city of Lancaster have presented a memorial to the legislature of this state, praying that the present location of the Columbia and Philadelphia rail-road be changed; and whereas the proposed change in the location would have a tendency to retard the improvement, and increase the expense of this highly important public work: therefore resolved,

That a joint committee of two members from each council be appointed, to take into consideration the propriety of remonstrating with the legislature against the contemplated change in the present location of the Columbia and Philadelphia rail-road, and that they take such steps in relation thereto, as may be deemed expedient.

MAYOR'S OFFICE, }  
Philadelphia, January 27th, 1832. }

Agreeably to a resolution of the Select and Common Councils passed on the 26th inst. and in pursuance of the following provision in the will of the late Stephen Girard, which directs "that the said corporation shall also cause to be published in the month of January, annually, in two or more newspapers in the city of Philadelphia, a concise but plain account of the state of the trusts, devises and bequests, herein declared and made" *Public notice* is hereby given that the executors of the late Stephen Girard, have handed to the constituted authorities of the city, a schedule comprising ninety-four tenements in the city and county of Philadelphia, five of which are unfinished, and eight of which are untenanted, with a rent-roll for the same, showing a present annual rental of 38,917 dollars. Also a further schedule of sundry lots of land in the county of Philadelphia, comprising about 608 acres, on which are sundry tenements,—that charge has been taken of the same, and provision made for the collection of the rents, and for letting such portions thereof as are untenanted,—that rents amounting to 4,388 36-100 dollars have been received by the city treasurer,—and that the Select and Common Councils are proceeding to devise measures for the further fulfilment of the trusts confided to them by the testator, agreeably to the powers vested in them.

B. W. RICHARDS, Mayor.

### PUBLIC SCHOOLS.

At a meeting of "The Controllors of the Public Schools for the city and County of Philadelphia," held on the 19th day of December, 1831, THOMAS DUNLAP in the chair, a communication was received from ROBERTS VAUX, tendering his resignation as President of the Board.

The resignation being accepted, and an answer to his letter unanimously adopted by the Board, it was

*Resolved*, That a copy of the communication from Mr. Vaux, and the answer of this Board, be forwarded to the Board of Directors of each section of the first school district of Pennsylvania, and that the same be published.

On motion, the Board proceeded to the election of a President; when Thomas Dunlap was duly chosen.

From the minutes.

T. M. PETTIT, Secretary

### To the Controllors of the Public Schools for the City and County of Philadelphia.

You will recollect, gentlemen, that when I last entered upon the duties of a member, and accepted again the responsibilities of President of the Board of Control, my design to retire from both these stations towards the close of the term of my election, was publicly communicated. In accordance with the purpose then deliberately formed, I now resign the trusts which you, and your predecessors, the representatives of our fellow citizens of the first school district of Pennsylvania, were pleased to confer upon me, annually, from the organization of the existing system of public education through a period of nearly fourteen years.

On ceasing to assist in the administration of the laws that so wisely provide free instruction, and for the successful operation of which I have always felt much solicitude, it is a precious consolation to know that the institution has dispensed, and still distributes invaluable benefits to our youth.

Long and attentive observation of the influence of this judicious and liberal plan, assures me that the best interests of society are intimately connected with its duration and expansion, to meet the future wants of the city and county of Philadelphia.

I part from you, gentlemen, impressed with no ordinary sentiments of regard. With some of you I have been harmoniously devoted in the prosecution of this interesting work almost from its commencement. The retrospect of my intercourse with all my colleagues as well as with the teachers, and various other agents attached to the extensive establishment confided to our government, furnishes no instance of the interruption of the kindest personal respect. These are to me highly gratifying reflections.

Finally, I beg you to accept my affectionate wishes for your individual happiness. Abundant good, must, I am sure, continue to flow from your faithful official labours.

ROBERTS VAUX.

Chambers of the Controllors, }  
Dec. 19, 1831. }

ROBERTS VAUX, Esq.

Dear Sir:—The Controllors of the Public Schools for the City and County of Philadelphia perceive with sincere regret, by your letter of this date, that you adhere to the resolution announced at the opening of the present term, to resign your seat and that Presidency with which it has been the pride and pleasure of the Board, during the last fourteen years, annually to invest you.

A long course of faithful, judicious and unremitting attention to the interests of the Public School System of this district, prompted by the purest motives and sustained by unwearied zeal, entitles you to the respectful gratitude of the community for which you have successfully labored, while a frank and dignified intercourse, and an independent discharge of your duties in this Board, have conciliated and secured the esteem and attachment of your colleagues.

Our system of public instruction; so admirably adapted to the wants and circumstances of this portion of the State, promises in its present matured organization every advantage which the universal diffusion of free education can effect—to its permanence and faithful administration our patriotic citizens look forward with confidence and hope, and your colleagues feel convinced that your important participation in originating and conducting this invaluable work will long continue among the most gratifying reminiscences of your life.

Tendering to you, sir, sincere assurances of their high regard and most affectionate esteem and respect, the Controllors beg you to accept their cordial wishes for your prosperity and happiness.

By order of the Board of Controllors.

T. DUNLAP, President.

Attest—T. M. PETTIT, Secretary.



PHILADELPHIA, Dec. 23, 1831.

The Teachers of the Public Schools met for the purpose of making some expression of their respect for **ROBERTS VAUX**, Esq. on his retiring from the Board of Control. The following address to him was adopted unanimously, and a committee appointed, consisting of Messrs. Rhees, Bird, Cleavenger, Coleman, Chamberlin, and Watson, to wait on him with the Address.

Resolved, That the proceedings of this meeting be signed by the Chairman, Secretary, and all the teachers.

Resolved, That the committee be authorized to publish so much of the proceedings of this meeting, as they may think proper, together with the reply of Mr. Vaux.

**SAMUEL F. WATSON**, Chairman.

**J. L. RHEES**, Secretary.

*Respected Friend*—With feelings of regret we learn that your contemplated resignation of the arduous and responsible duties devolving on you as President of the Board of Control of Public Schools, in the First School District of Pa., has been carried into effect, and that we can no longer look for your regular visitations to the institutions you were chiefly instrumental in originating, and which have invariably, from their commencement, received the advantage of your fostering care, and paternal advice.

With sentiments of sincere respect, strengthening with every year's acquaintance, we hasten to make known the grateful emotions we feel, in view of the many instances of your friendly co-operation we have experienced in the discharge of our important duties. When discouraged by adverse or unpropitious circumstances, your counsel has ever been ready to instruct and animate, and our endeavors to mete out knowledge have been rendered more efficient by your countenance and support. We doubt not that hundreds and thousands of the youth who have been receiving the elements of knowledge and morality in our public schools, will cherish with gratitude and affection, the many salutary lessons they have heard from your lips, and will rise up to honour your name, and do credit to that system of education, of which you have been the patron and zealous advocate, while the triumphs of Christian philanthropy continue to attest its superiority over all the schemes of infidelity, and all the glory of this world.

We unite in the conviction expressed by your worthy and highly respected colleagues, that the invaluable work, in which you have been for fourteen years engaged, "will long continue among the most gratifying reminiscences of your life." And we pray that God may have you under his holy keeping, continue your life long, useful and happy, and give you to hear at last the welcome sentence, "well done, good and faithful servant, enter thou into the joy of thy Lord."

**J. L. RHEES,**  
**B. E. CHAMBERLIN,**  
**JOHN M. COLEMAN,**  
**SAMUEL WATSON,**  
**JAMES M. BIRD,**  
**W. S. CLEAVENGER,**

Committee.

**H. W. Chadwick,**  
**Peter McGowen,**  
**Hiram Ayres,**  
**William C. Barton,**  
**E. W. Beechey,**  
**Eliz'th R. Eastburn,**  
**Susan M. Ustick,**  
**Louisa Bedford,**

**Elizabeth B. Smith,**  
**Julia A. Byrne,**  
**Eliza McLeod**  
**Ann Dolby,**  
**Martha C. Hallowell,**  
**Maria C. Hutton,**  
**Eliza Bateman.**

*To the Teachers of the Public Schools of the City and County of Philadelphia.*

The sentiments most kindly conveyed to me by your address of the 23d inst. are very fully and sincerely appreciated.

Any assistance it may have been in my power to ren-

der towards the organization, or in the subsequent conduct of our public education, I consider only as a small service due, and cheerfully contributed, to my native city and its neighbourhood.

It affords me the purest satisfaction to believe, that many thousands of the youth of this populous district, in great measure, owe their moral and intellectual elevation and fitness for the business of life, to the conscientious discharge of your obligations to them as their instructors, and I have no doubt that similar benefits may be conferred by the employment of similar means, upon generations to come. Under this conviction, I cannot but unfeignedly wish for the duration of a system, which, with the favour of Heaven, must be fruitful of so much individual welfare, and essentially conduce to the general good.

My retirement from the station that called me to the frequent observation of the pupil, and to the consequent notice of your assiduous attentions to them, will not diminish the concern which I have uniformly entertained for the promotion of their best interests, by the successful prosecution of your important labours in the public schools.

I shall always be gratified to learn, that your useful offices are properly esteemed, duly encouraged, and generously rewarded. No profession in my opinion is more arduous, and responsible, and honorable than yours, and when faithfully pursued, none more worthy of universal confidence and gratitude.

You will be pleased each of you to accept the assurance of my cordial respect, and believe me to remain your friend, &c.

**ROBERTS VAUX.**

*Philadelphia, 12th mo. 26, 1831.*

At a meeting of the Directors of the Public Schools for the first section of the First School District of the State of Pennsylvania, held January 3d, 1832.

The resignation of **ROBERTS VAUX**, Esq. having been received and read, it was unanimously

*Resolved*, That the Directors of the Public Schools for the First School District receive with regret the resignation of **ROBERTS VAUX** their late fellow member, and that they recognize in his active agency in the foundation of the Public Schools, and in his disinterested, faithful and unremitted attention to their interests from their foundation to the present time, valuable public services which entitle him to the thanks of the Board, and to the regard of the community of which he is a member.

*Resolved*, That the foregoing resolution be published in the daily newspapers of the city, and that a copy thereof signed by the President and Secretary be forwarded to Mr. Vaux.

Extract from the minutes,

**B. W. RICHARDS**, Chairman.

**ARCH'D RANDALL**, Sec. Pro. Tem.

**COMMERCE AND NAVIGATION OF LAKE ERIE.**—We have been furnished with the annexed partial list of vessels owned and navigated on the south shore of Lake Erie, during the summer of 1831, with the tonnage of each; together with some statistical information relating to the business done upon the lake. The list of vessels is evidently very incomplete, for we have the testimony of several who have better opportunities of knowing, that there were upon this shore 90 to 100 vessels, averaging 70 tons each, exclusive of steam boats. The deficiencies in this list we will insert on being made acquainted with them.

SCHOONERS.	tons.	SCHOONERS.	tons.
Austerlitz,	150	Alert,	55
Antelope,	50	Andrew,	48
America.	50	Allen Trimble,	16
Aurora,	60	Beaver,	50



SCHOONERS.	tons.	SCHOONERS.	tons.
Bolivar,	60	Mary,	46
Cincinnati,	50	Napoleon,	105
Commerce,	88	New Connecticut,	70
Comet,	50	Nucleus,	93
Commodore,	80	Olive Branch,	30
Columbus,	60	Pilot,	54
Conneaut Packet,	35	President,	70
Constitution,	104	Phillips,	40
Commodore Perry,	25	Red Rover,	35
Detroit,	66	Regulator,	25
Eclipse,	60	Savage,	30
Eagle,	94	Spy,	45
Erie,	50	Swiftsure,	35
Essex,	30	Sir Henry,	90
Emily,	30	St. Clair,	35
Farmer,	60	T. W. Maurice,	50
Free Trader,	30	Telegraph,	44
Guerriere,	40	United States,	100
Good In ent,	40	Whittlesey,	50
Grampus,	30	Wm. Tell,	60
Cranger,	33	Young Amaranth,	60
Gov. Cass,	54	Young Lion,	80
Gen. Jackson,	42	Young Rover,	30
Hamilton,	27	SLOOP.	
Independence,	27	Express,	30
J. Q. Adams,	60	Grampus,	25
J. Richards,	50	STEAM BOATS.	
Lagrange,	100	Superior,	400
Lady of the Lake,	90	Henry Clay,	300
Louisa Jenkins,	80	Wm. Penn,	230
L. Judson,	18	Enterprise,	230
Marengo,	110	Sheldon Thompson,	250
Marshal Ney,	80	Ohio,	160
Minerva,	60	Niagara,	155
Morning Star,	35	Peacock,	150
Mary of Milan,	45	Pioneer,	130
Maria Antoinette,	90	Gen. Gratiot,	150
Mariner,	97	Argus,	50

There are now being built on this lake five steam boats, viz:

1 at Detroit,	300 tons.
1 ' Miami,	200 "
1 ' Huron,	450 "
1 ' Erie,	350 "
1 ' do.	35 "

Of other vessels there are now 11 that we have heard of, the work of which is in progress; besides there is little doubt that more will be built by spring, viz:

3 at Huron, of 150 tons each,	450
1 ' do.	80
1 ' Miami,	130
2 ' Black River,	260
1 ' Grand River,	130
1 ' Ashtabula,	80
1 ' Sandusky,	60
1 ' Portland,	50

During the past year there have been ten or twelve vessels from the upper lakes trading upon this; and 15 from Lake Ontario, averaging 65 tons each, which came through the Welland canal, laden with salt, and took return cargoes of pot and pearl ashes, pork, wheat, flour, flax seed, &c.

In 1810 there were eight or nine vessels, averaging 60 tons each, navigating the lake. In 1820 there were thirty vessels, averaging 50 tons each, and one small steam boat.

Now there are over 100 vessels, of all descriptions. The increase for 1832 will exceed 30 per cent. Estimates have been made in Buffalo, that over 70,000 emigrants went west from that place, by water, during the past season. A correspondent from there computes that in 1840 there will be 30 steam boats and 250 other vessels navigating the lake; and that 600 persons will be leaving there daily for the unlimited west. If we estimate from the late increase, his calculation will fall short.

Some pains have been taken for ascertaining the amount of merchandize taken west, and produce taken east on the lake during the last year, but without satisfactory success. 75,000 tons were entered at the Buffalo custom house. 23,467 barrels of flour, 200,802 bushels of wheat, 8426 barrels of pork, 1768 do. ashes, 1044 do. whiskey, and 44,040 barrels of salt, passed through the Welland canal previous to the 30th of September. At least 60,000 barrels of salt from the state of New York, must have been transported on Lake Erie to various markets, besides large quantities that were detained in different ports, by the early closing of the navigation. Had that continued open as long as usual, it is quite probable that 15 to 20,000 barrels more would have gone up. We judge this from the exorbitant price it has borne at all the principal ports above us. At Cleveland it has commanded four dollars and at Detroit five dollars a barrel all winter, and very little was to be had at those prices. Not less than 70,000 barrels of flour, 500,000 bushels of wheat, 5000 barrels of pork, 30,000 barrels of ashes, 10,000 barrels of lake fish, and an incalculable amount of other products of the country, have found their way to market by means of this lake during 1831.

In these estimates nothing is included for the trade of the Canada side, except the business of the Welland canal, a great share of which went from this side.

*Erie Observer.*

#### ORPHAN SOCIETY.

The Seventeenth Anniversary Meeting of the Orphan Society of Philadelphia, was held at the Masonic Hall, in Chesnut street, on Tuesday, the 3d of January. The Rev. Mr. HOLMICH performed the service of the day, and read the following reports:—

The anniversary of an Institution which has succeeded in the object for which it was founded, is a period of rejoicing alike to those who have planned, or managed, or contributed in any way to its advancement. This day, then, the Orphan Society, while contemplating this assemblage of helpless children, may rejoice that they have adopted them—that they have taken them, one by one, from scenes of want and misery, and vice, and brought them into a sanctuary which charity has reared, and provided with all things fitted to make them good and useful citizens, where infancy is cherished with maternal care, and youth is trained with profitable instruction,—where the temporal blessings with which they are surrounded, awaken in their young hearts gratitude to their benefactors—and their pliant minds are elevated to a higher and holier source of obligation.

Let those who are in the habit of visiting the abodes of poverty, where labor applied with persevering skill can barely furnish the necessities of life at this inelament season, picture to themselves the condition of children left by a dying parent, who was unable to provide for them future support—but we need not draw on fancy for a sketch. A child recently admitted into the Asylum, presents a real object to make pity weep. She was but two months old when her mother died;—a young aunt placed her to be nursed, paying from her small earnings the nurse's fee. The poor babe received scanty nourishment, and was drugged with laudanum until it almost perished. In this condition she was brought to the Asylum, aged eleven months—so feeble and emaciated that had she not experienced the efficacy of tender care and judicious treatment, bestowed by our excellent Matron on others in a similar state, we should fear that this orphan's voice would never here be raised in thankfulness to God—and you for its preservation. The register of the institution is a volume of such sad tales.

The family consists of ninety-eight children,—eight have been admitted—and five bound out,—one little girl died in the autumn, at which period several children were extremely ill, who have recovered.



The routine of domestic duties which has been detailed in former reports is found effective, and persevered in; committees visit the asylum in rotation to approve or suggest improvements, and it is but justice to the adults of the family to state, that neatness and order pervade every department—that a plentiful board is daily spread, and thankfully acknowledged to Him whose table is provided for all—"Who openeth his hand and satisfieth the desires of every living thing."

The Board have been induced to adopt a modified plan of the Infant School System, for the younger children. They have recently engaged the services of a respectable assistant Teacher, and now believe all the offices of the house are filled to their entire satisfaction. The expenses of the family have been \$3,650; which, with necessary repairs to the Asylum, has left so small a balance to the Treasury, that it is obvious dependence must be had on the continued charity of those who have raised the edifice, and whose paternal aid furnishes the daily bread—the comfortable garments—and the mental cultivation which place these destitute orphans in a condition to enjoy the privileges of happy childhood, and prepare them to become moral, religious, and industrious members of society.

#### FROM JANUARY 1, 1831, TO JANUARY 1, 1832.

The Orphan Society of Philadelphia, in account with the Treasurer.

##### Dr.—1832, January 1.

To Purchasing Committee,	-	\$3,650 00
To Perpetual Insurance,	-	317 50
To Repair Real Estate,	-	359 30
To Water Rent and Taxes,	-	30 00
To Purchase of Stocks,	-	1,735 00
To Freedom Fees,	-	60 00
To Incidental expenses,	-	63 60
Balance in Treasury,	-	122 03
		<hr/>
		\$6,337 33

##### Cr.—1832, January 1.

By Balance from 1831,	-	\$ 68 40
By Annual Subscriptions,	-	383 00
By Life Subscriptions and Donations,	-	83 89
By Dividends on Stocks,	-	2,507 11
By Rents,	-	650 00
By Ground Rents and Arrears,	-	312 52
By Charity Box and Collections,	-	67 32
By Sale of Children's Work,	-	185 90
By Legacies,	-	2,047 50
By Binding Fees from From Mr. Christian,	-	5 00
By Fines on the Managers,	-	1 25
By Sale of Articles at the Asylum,	-	25 43
		<hr/>
		\$6,337 33

E. and O. E.

Philadelphia, January, 1, 1832.

#### FIRST ANNUAL REPORT OF THE DIRECTORS

OF THE

#### WEST CHESTER RAIL-ROAD COMPANY.

The Directors of the West Chester Rail-road Company, in obedience to the injunction of the 9th section of the act, authorizing the governor to incorporate said company, submit to the stockholders the following statement of the affairs and proceedings of the corporation, for the past year. It will be recollected, that the preliminary survey for the West Chester rail-road was made in the month of December, 1830. The report of the Engineer having shown the route to be a favourable one, application was immediately made to the legisla-

ture for an act of incorporation, which was passed and approved, on the 18th day of February, 1831.

The commissioners appointed, by the act, to receive subscriptions of stock, proceeded as therein directed:—Books were opened, on the 22d day of March, in the borough of West Chester, in the city of Philadelphia, and at the Paoli; when considerably more than twice the amount of stock authorized by the act, was subscribed on the first day.

The books were thereupon closed, and the commissioners proceeded to reduce the subscription, as directed in the second section of the act, to the authorized amount of two thousand shares. A statement of the proceedings, duly certified by the commissioners, was then made to the governor, who, by letters patent, dated the 28th day of March, 1831, did create and erect the stockholders into a body corporate and politic, in deed and in law, by the name, style and title, of "The West Chester Rail-road Company."

An election of directors was held, agreeably to the provisions of the act, on the 25th day of April; and, on the 3d day of May, the new board met, organized, and prepared for active operations. The directors consider themselves fortunate in having been enabled to obtain the services of Major John Wilson, as engineer in chief, and those of John P. Baily, Esq. as resident engineer. The scientific reputation of the former gentleman is too well established to require illustration here; but it may be permitted, as an act of sheer justice to Mr. Baily, on this occasion, to say, that his practical skill, devoted attention, and fidelity to the best interests of the company, have commanded the unqualified approbation of the board.

The final location of the route of the rail-road was commenced by Mr. Baily, on the 13th day of May, and completed on the 23d of the same month, making a line of exactly *nine miles*, from the borough of West Chester to the junction with the Pennsylvania rail-way, on the land of Samuel P. Levis, in the township of Willistown. The present termination of the road, in the borough, is upon the land of Robert Matlack, at a very eligible position on the summit of the dividing ridge, between the tributaries of Chester creek and the Brandywine; thus leaving it in the power of the company, or of the borough authorities, to extend branches to any part of the town, at a future day, if it shall be found expedient to do so. It is proposed by Mr. Matlack to extend and open Chesnut street, eastward, to the Boot road; and also to open a new street, at right angles with Chesnut street, intersecting Chesnut and Gay streets, so as to afford free access to the end of the rail-road, both on the western and southern side of the depot. The board would do injustice to their own feelings, as well as to the liberality and public spirit of Mr. Matlack, if they did not embrace the present opportunity to acknowledge the signal obligations which that gentleman has conferred upon the company. Not only did he set the laudable example of a prompt release, to the company, of all claims for supposed damages, by reason of the passage of the rail-road through his valuable farm, but, with a spirit worthy of the occasion, he granted, free of cost, half an acre of ground, for the use of the company, for the important purpose of a landing, and depot at the termination of the rail-road.

The whole line being staked off, ready for contract, it was let, in sections of about one mile each, to active and efficient contractors, upon terms favorable to the company, (as will appear by the annexed schedule, marked A,) on the 26th day of May; and the work of grading and road formation was commenced, upon every section, in the course of the ensuing month. In several instances, the contractors were actively engaged upon their respective sections, in one week after the letting.

The annexed table (marked B,) exhibits the amount of work done upon each section, on the 2d instant, together with the sums paid for the same, and also the







		WORK DONE.		WORK TO BE DONE.	
		(B) Statement of work done, and to be done, towards grading the West Chester Rail-road, with a summary of the whole expenses incurred, on the 2d January, 1832.			
Sections.					
1	Excavation, cubic yards.	14,067	11,331	236	25
2	Embankment, cubic yards.	20,097	18,325	108	59
3	Cross drains feet.	22,376	25,507	100	14
4	Grubbing trees.	29,214	26,170	259	112
5	Amount paid	16,484	9,635	155	273
6	Amount retained.	5,761	1,889	274	251
7	Excavation, cubic yards.	4,911	2,112	33	140
8	Embankment, cubic yards.	9,247	3,972	75	423
9	Cross drains feet.	27,025	10,794	198	7
	Grubbing trees.	149,182	109,735	1164	1327
	Amount paid	\$23,087	98½	\$3,497	72½
	Amount retained.	682	41	13975*	5690
	Excavation, cubic yards.	440	1610	\$221	70
	Embankment, cubic yards.	1419	1410	956	42
	Estimated cost of work to be done.	5510	2070	1862	50
		Reported finished, Nov. 21.			
		do. Oct. 24.			
		do. Sept. 5.			
		do. Nov. 15.			
		do. 2371	30		

#### Whole expenses incurred.

Amount paid for road formation, drains, grubbing, &c.	\$25,087 98½
Amount paid for stone delivered, viz: 1588 perches,	1193 06
Amount paid for 250 rods of fence, rails, &c.	537 00
Amount paid for damages to crops, on the route,	50 83½
Amount paid for salaries of engineers and assistants,	1534 29
Amount of incidental expenses,	734 59½
Profit and loss—counterfeit note received by commissioners,	10 00

Whole amount paid,	\$28,947 76½
Add, per centage retained on the cost of road formation,	3,497 72½
Do. for broken stone delivered,	210 54
Aggregate expenses,	\$32,656 03

#### (C) Estimate of the materials and expenses, requisite to complete the West Chester Rail-road, January 2, 1832.

Broken stone, 5,949 perches, (at different prices,)	\$5,163 68
Wooden sleepers, 12,735, (actual cost not ascertained) estimated at	3,820 50
Pine scantling (rails,) 333,000, at \$25 per M. delivered,	8,325 00
Iron, for rails, 235 tons, at \$53 per ton, delivered,	12,455 00
Spikes, 10,000 lbs. at 9 1-10 cts. per lb. delivered,	910 00
Splicing plates, 2250 lbs. at 9 cts. per lb.	202 50
Plank, for keys, 10,000 ft. at \$20 per M.	200 00
Laying 9 miles of rail-road, \$750 per mile,	6,750 00
Laying 18 turn-outs, including castings,	2,250 00
Residue of grading, yet to be done,	5,211 92

Fencing yet to be done,	3,658 75
Salaries of engineers and agents,	1,500 00
Expenses to be incurred on the line of road,	\$50,447 35
Add expenses already incurred,	32,656 03
Estimated whole cost of the West Chester rail-road,	\$83,103 38
Add, for car-house, toll-house, cars, and incidental expenses,	6,896 62
Aggregate amount of expenses, necessary to put the rail-road in operation,	\$90,000 00

#### (D) TREASURER'S STATEMENT.

THOMAS WILLIAMSON, Treasurer of the West Chester Rail-road Company, in account with said Company, to January 2d, 1832, inclusive.

To amount received upon the several instalments ordered by the Board of Directors, including the 5th instalment, due the 1st instant,	DR.	\$33,355 00
Cash received for maps,		6 00
		\$33,361 00
CR.—By amount of payment, in pursuance of orders drawn by the Board of Directors,		28,947 76½
Balance in treasury,		\$4,413 23½

Amount of instalments ordered by the board, and due to the above date (5th instalment)	\$50,000 00
Received for maps, as above,	6 00
	\$50,006 00
Deduct cash received,	33,361 00
Stockholders in arrears,	*\$16,645 00

* Since the 2d inst, there have been received by the treasurer,	\$10,740 00
In arrears, January 16,	5,905 00
	\$16,645 00
January 16, 1832.	

#### (E) LETTER FROM MAJOR WILSON.

Philadelphia, Jan. 11, 1832.

To the President and Directors of the West Chester Rail-road Company:

GENTLEMEN.: The progress that has been made in grading the road, since it was placed under contract, and the preparatory measures which have been taken by the company, for procuring the whole of the materials necessary for completing the superstructure of a single-track rail-way, leaves no doubt that the line from West Chester to its intersection with the State rail-road, will be opened for travelling during the ensuing summer.

The resident engineer, Mr. Baily, having furnished an estimate of the expenses yet to be incurred in the completion of the work, it is unnecessary for me to make any reference to that part of the subject, but I would respectfully offer to the company a few brief remarks on the reasons which influenced the adoption of a rail-way formed of wood, instead of stone or other permanent material.

Stone suitable for sills or blocks cannot be procured on any part of the line, between West Chester and where it unites with the Pennsylvania Rail-way.

The great expense which must be incurred in procuring and hauling from a distance such heavy mate-



rials, would not only have delayed the completion of the work, but would have enhanced the cost of its construction. The newness of the embankments, and the length of time necessary for them to settle, is another consideration why a preference has been given to wood.

On embankments which have not sufficiently consolidated, the wooden rail, resting on sleepers of wood, can be much easier repaired. On this plan, also, the road can be finished with less expense, and at an earlier period than with stone sills, or detached blocks, as bearings. This circumstance will, in some measure, compensate for the loss that will result from the decay of the wood; and should the company deem it expedient, at any future period, to lay a second track, sufficient experience will have been acquired to enable them to adopt that plan which will be most conducive to the interests of the stockholders.

I remain, gentlemen, very respectfully,

Your obedient servant,  
JOHN WILSON.

At the annual meeting of the stockholders of the West Chester Rail-road Company, held at the house of Samson Babb, in the borough of West Chester, on Monday, the 16th of January, 1832,

OLIVER ALISON, Esq. was appointed chairman, and Mr. EDWARD F. EVANS, Secretary.

The directors laid before the meeting their report, (herewith published) of the affairs and proceedings of the company, which was read:

Whereupon, on motion of W. H. DILLINGHAM, Esq. it was

Resolved, that this meeting approve of the proceedings of the directors of the West Chester Rail-road Company, as exhibited in their report this day submitted; and that five hundred copies of said report be published in pamphlet form, for the use of the stockholders.

It was then, on motion, resolved, that the chairman and secretary of this meeting act as judges of the election now to be held, for the purpose of electing seven directors of the West Chester Rail-road Company, for the ensuing year. At the close of the polls, the votes being counted off, it appeared that the following persons were duly elected directors, viz:

WILLIAM DARLINGTON,	JONATHAN JONES,
JOSEPH HEMPHILL,	WM. WILLIAMSON,
ELIHU CHAUNCEY,	SAMUEL C. JEFFERIS.
ZIBA PYLE,	

On motion, resolved, that the proceedings of this meeting, including the Report of the Directors, be published in the papers of the county.

(Signed) OLIVER ALISON, *Chairman.*

Attest, EDWARD F. EVANS, *Secretary.*

From the Miners' Journal.

### STATISTICS OF POTTSVILLE.

The assessed value of the Borough, in January, 1832, is as follows:

Real Estate, Buildings, Horses, &c.	335,078
Stocks, Bonds, Mortgages, &c. yielding dividends or interest,	234,390
	<hr/> 569,468

Included in the above there is,	
Dwelling houses,	492
Horses over 4 years,	220
Cows do.	70
Pleasure Dearborns,	8
Gigs,	7
Sulkies,	4
Barouches,	6
Buggie,	1
Carriages,	5

The number of taxable inhabitants, is Males	598
Females	5
	<hr/> 603

The number of persons owning real estate and not residing in the borough, is	167
--	-----

The public Buildings in the Borough, are	
1 Roman Catholic Chapel, built in	1828
1 Episcopal Church, (St. Lukes,) built in	1830
1 Methodist Episcopal Church, built in	1830
1 Friends' Meeting House, do.	1830

The Institutions of a public character, are	
Post office established in the year	1823
Miners' Bank of Pottsville, chartered in	1828
Schools of various grades and dates.	
Fire Company, established in	1830
Two Volunteer Corps of infantry:	
1st. The Pottsville Guards, formed in	1825
2d. The National Light Infantry, formed in	1831

Three Weekly Newspapers:	
The Miners' Journal, commenced in	1825
The Schuylkill County Advocate, comme'd in	1831
The Schuylkill County Farmer, (German,) in	1832
Among the occupations and establishments in the borough, may be enumerated the following:—	

5 Male Teachers,	10 Blacksmith-shops,
2 Clergymen,	19 Blacksmiths,
9 Attorneys at Law,	2 Wheelwrights,
1 Notary,	2 Hatters shops,
8 Physicians,	5 Hatters,
1 Post Master,	2 Cabinet makers shops,
1 Member House of Representatives,	3 Cabinet Makers,
1 President of Bank,	2 Watch makers shops,
1 Cashier do.	2 Watch Makers,
1 Land Surveyor,	2 Tin shops,
4 Justices of the Peace,	3 Tin Smiths,
3 Constables,	9 Plasterers,
2 Editors,	3 Barber shops,
7 Agents,	4 Barbers,
25 Dry Goods, Groceries, Hardware, Wine, and Liquor Stores,	1 Coach maker shop,
5 Drug, Paint, and Apothecary Stores,	1 Coach Maker,
35 Merchants,	1 Coach Trimmer,
5 Flour and Feed Stores,	3 Saddlers shops,
5 Flour Merchants,	4 Saddlers,
2 Shoe Stores,	2 Boat yards,
27 Clerks,	7 Boat Builders,
17 Coal Merchants,	1 Cedar Cooper,
25 Taverns,	2 Curriers,
4 Barkeepers,	2 Tobacconists,
1 U. S. Mail Contractor,	1 Tallow Chandler,
2 Confectioners,	1 Weaver,
1 Vinegar Merchant,	2 Tanyards,
1 Lottery Broker,	2 Tanners,
2 Boarding Houses,	4 Turners,
2 Lumber Merchants,	1 Whitesmith,
3 Collectors of Toll,	2 Foundries,
3 Oyster & Beer Houses,	2 Iron masters,
11 Bakers,	5 Moulders,
9 Butchers,	1 Forgeman,
7 Tailor Shops,	1 Collier,
12 Tailors,	4 Breweries,
6 Painters and Glaziers,	8 Brewers,
52 Carpenters,	9 Stone Masons,
1 Grist Mill,	1 Gun Smith,
2 Millers,	1 Brick Maker,
1 Saw Mill,	2 Soap Boilers,
1 Skin Dresser,	4 Boat Captains,
13 Boot and Shoemaker Shops,	1 Potter,
24 Boot and Shoemakers,	1 Milkman,
	15 Teamsters,
	46 Miners,
	79 Labourers,
	156 Single Freemen,



## SELECTIONS FROM LEGISLATIVE DEBATES.

From the Pennsylvania Reporter.

## COUNTY ALDERMEN.

IN SENATE—Thursday, Jan. 21.

Mr. Burden offered the following resolution, viz:

Resolved, That the Committee on the Judiciary System be instructed to enquire into the expediency of authorizing the Governor to appoint a certain, definite, and sufficient number of Aldermen, for each of the incorporated districts in the county of Philadelphia, with the same powers and privileges which Aldermen of the city now have, and of repealing the civil jurisdiction of Justices of the Peace, so far as relates to the districts in which it is proposed to appoint Aldermen.

Said resolution was read a second time, and there being some opposition to its passage,

Mr. BURDEN said, it will be acknowledged by every member of the Legislature, that with regard to every county in the Commonwealth; the constitutional power of appointing Justices of the Peace has been exercised to a degree far beyond the necessities and welfare of the people. It has been the practice of every Executive, about the time of retiring from the gubernatorial seat, to appoint a number of Justices, and generally from political motives alone. The new Governor, finding himself opposed by the recently appointed magistrates, has been compelled, from motives of self-defence, to create another batch of Justices, and thus they have increased to a number injurious to the interests of the community. Had the appointments, in all instances, been confined to men of integrity and ability, there would be no cause of complaint; but not unfrequently persons have been recommended and appointed, altogether unqualified.

In the county of Philadelphia, the people have felt the consequences severely; and perhaps there is nothing under the color of law which causes so much oppression, as the existence of such Justices as now practise. The poor and ignorant are the sufferers—they are made the victims, and the 'squires fatten on their earnings. In some few sections there are no magistrates; in them the people are moral and peaceable, but wherever the magistrates abound, discord and immorality are encouraged. Every Justice must make a living, and this competition leads to practices disgraceful to the community, and to oppressions under color of law which would scarcely be credited: it seems to be the interests of the magistrate to have the laws violated, instead of having them respected.

Is there any mode by which this evil can be removed? The constitution directs that justices may be removed by address or impeachment. The process originates in the House of Representatives, but this provision exists only in the letter, and not in practicability. We all know how unpleasant and how expensive it is to bring up a complaint before the legislature against a justice. A legislative body, on many accounts, is a very improper tribunal of justice for the trial of men; it has other duties to perform, and it is next to impossible to remove a justice from office by the constitutional mode, no matter what he has been guilty of. He may have been convicted in a court of justice, he may have been the leader of a riot, he may be totally unqualified to administer justice, still we know how difficult it is to put him out.

There is a mode of remedying the evil, in perfect conformity to the constitution, that is, by depriving the Justices of all the powers given to them by the laws, and leaving them no power but such as they may exercise under the constitution: this would soon compel them to give up practice.

We have an example of the benefits attending this mode. In the city of Philadelphia, Justices of the Peace were formerly created, and the power to appoint them still exists, although not exercised. The Alder-

men at that time composed the senate or select council of the city. These Aldermen were deprived of their legislative powers, and invested by law with the powers of Justices of the Peace, and the justices were restricted to the constitutional limit. The consequence has been that the Aldermen being limited in number, have not the temptation to oppress for the sake of fees, and there is no place in any country where justice is more faithfully administered, nor where peace and good order prevail in a greater degree than in the city of Philadelphia. Now the resolution I have offered proposes to extend the same benefits to the corporations of the county. The committee will, after due deliberation, fix the number proper for each district, having reference to its population and public necessities. In offering the resolution, it must be evident I cannot be actuated by motives of popularity. The "squirearchy," (as Mr. C. J. Ingersoll well called those unworthy to be appointed,) will be highly displeased, and should I ever come before the people for election, will do its best to remove me from public life. I have no motive but the welfare of the community which I have the honor to represent, and will not regret any personal sacrifice if I can succeed in passing such a law as the resolution proposes.

## DIVORCE.—ARE BLACKS, CITIZENS?

HOUSE OF REP. Wednesday, Dec. 14, 1831.

Mr. WAUGH presented a petition from James Sisco, a coloured man from Washington, Pa. praying for a divorce. His memorial is drawn up with considerable ability and feeling. He states his early resolution, (knowing the degraded standing of persons of his colour in general,) to acquire a reputation, by a correct deportment in all his transactions. In this determination he went on prosperously till November, 1829, when *unfortunately*, he took to himself a wife. In this act he had care to the selection of one who he had reason to believe had been taught to regard and observe the principles of propriety and virtue; but, to his mortification, he soon found he had been mistaken in his opinion; that he had taken to his arms, one who proved not only incontinent, but who actually committed larceny, and was convicted and sentenced to the penitentiary. At this change of circumstances he was thunderstruck, and for relief had brought his case before the legislature, that being the only tribunal competent to such purpose.

The petition was referred to the committee on the judiciary system.

The bill, an act to annul the marriage contract of James Sisco and Delilah his wife was read a third time, and on the question, shall the bill pass?

Mr. McCulloh observed, that he was opposed to legislative divorces; he did not like the precedent—it was a proceeding entirely *ex-parte*, one of which the opposite party, in general, had no notice, and therefore he thought they ought not to be encouraged. This was the application of a black man for divorce, and he thought if it were entertained we should have enough business of this kind to do. That on the southern border of the state, the courts of quarter sessions were at every court more or less employed in the trial of blacks for larceny. He thought if this bill passed it would hold out such encouragement to applications for divorce from blacks that our tables would be covered with them. He observed that the woman had been convicted more than a year ago, and sentenced to one year's imprisonment, which had now expired. That therefore she must have returned to the society of her husband; that the precedent was a dangerous one, and he would vote against the bill.

Mr. Galbraith asked that the petition and documents might be read, which was done.

Mr. Waugh thought the facts set forth in the petition, and the record evidence accompanying them, were sufficient cause of divorce. Desertion was sufficient by



act of assembly in court—this was the same in principle. No gentleman, he thought, would distinguish between black and white; the colour of the skin could not alter the principle; if the grounds were good in any case, it ought to be in this. He thought the objection of the gentleman from Franklin, (Mr. McCulloh) that it would be an encouragement to blacks to apply for divorces, was not sound—his opinion was, it would be a check on them. The man sustained a good character, as was testified to by some of the most respectable men in Washington county. Ought we to refuse a divorce, sir, because the man is a black man? He thought not.

Mr. Davis observed that this was a matter of more moment than met the eye or ear. He thought the colour of the man no objection; he would as leave vote to divorce a coloured man as a white man. The real question was of more importance. Is a coloured man a citizen of Pennsylvania? and can the legislature divorce a man who is not a citizen? Many men have doubts on the subject; some have not. If he is not a citizen, by passing this bill we sanction the idea that he is so.

Mr. Waugh asked the chairman of the judiciary committee for his opinion as to the citizenship of blacks.

Mr. Shannon replied, that the question had not been decided. His own opinion was against them, and he had formed it from the constitution. They could not be required to do militia duty, or repel invasions; they were not looked to as the bulwark of the nation: they were incapacitated for appointment or election to office; they had not the right of suffrage in Pennsylvania; they were not citizens to the full extent of the word. But still their rights of liberty and property are secured. Divorces by the legislature are matters of favour, only, not of right. In this case, he thought it was not expedient or necessary. We are not to know how many wives this man has. In our western country we have the real flat heads, who have dozens of wives, and think there is no harm in it; they don't view larceny as a crime, but consider every thing common property.

If they don't look upon larceny as a crime, why divorce them? If no moral turpitude attaches to the offence in their estimation of it, if they really don't understand the guilt of the offence, they have committed no crime, and we ought not to grant a divorce. The man may have been accessory before the fact, for the purpose of enabling him to make this application.

Mr. Valentine said he was no friend to divorces, unless under very peculiar and special circumstances. The laws of Pennsylvania authorize contracts between negroes, and the right to rescind the contract seemed naturally to follow. The marital rights were the same. The petitioner seemed anxious to have it believed that he was a man of good moral character, and he was not disposed to doubt it. If he possessed so good a character, his wife would be better in his care than in that of any other—he knew no one who had a better right to take care of and protect her. He would therefore vote against the divorce, and every other divorce, unless under very special circumstances, which he thought did not characterize this case. He would keep the probability of divorce at a distance, because it would have a salutary influence upon the marriage contract, and prevent it from being entered into unguardedly.

Mr. Waugh thought there was nothing substantial in Mr. Davis's objection, and it was irrelevant whether blacks had a right to vote or not, a residence was sufficient for the protection of the law, citizenship was not necessary; a residence of one year was enough. The laws don't require them to be full citizens.

Mr. Davis observed that he was left just where he began; he had received no more information from the gentleman than he possessed before. By the constitution of the United States, negroes and mulattoes are not citizens. He viewed them as wards of the state: some were taxed and some voted; but they never were citizens.

Mr. Fuller said that the judiciary committee had reported this bill on principle. If one of the parties to the marriage contract be of good character, and the other infamous, he had understood that a divorce would be granted. If they were not excluded from the courts, why exclude them from the legislature? He did not think it necessary in this case to decide the question of citizenship; if it were so, he thought it might be determined in favour of the blacks. In New Jersey free blacks are citizens, and this case comes within the principle of the whites.

The bill was lost—yeas 33, nays 58.

#### MASTER AND APPRENTICE.

Before KING, President, and his Associates, Judges of the Court of Common Pleas for the city and county of Philadelphia, January 14th, 1832.

*Commonwealth ex relatione Lecture against Senneff.*

This case came before the Court upon a *Habeas Corpus* sued out on behalf of Samuel Lecture, by his father William Lecture, against George Senneff the respondent. By the return endorsed on the writ, it appeared that the respondent claimed to hold said Samuel Lecture, by virtue of an indenture of apprenticeship, dated the—day of—, 1827, executed before Alderman Badger by the said apprentice, by and with the consent of his mother Elizabeth Lecture, by which he put himself apprentice to the respondent, to learn the trade of a house carpenter, and to continue with him until the age of twenty-one. It also appeared by the testimony of witnesses, that the father, William Lecture, a respectable man, was absent from the city on business when the indenture was executed, having previously made ample provision for the support of his family during his absence, and was not aware of its execution until his return. On its being mentioned to him, at first he was dissatisfied, but finally said, if the boy was satisfied to stay he was content. Subsequently, however, he became dissatisfied with the place, and often threatened to take his son away, but omitted taking legal steps to effectuate such object until the present time.

On these facts the question raised was, whether under the act of Assembly of the 29th of September, 1770, (Purd. Dig. 10,) the binding was valid, the father's consent being wanting to the indenture at the time of its execution?

Joseph M. Doran, of counsel for the relator.

Joseph A. Clay, of counsel for the respondent.

KING, President.—This case is clear of all difficulty. Had the father immediately on his return home adopted measures to test the validity of the indenture, and brought the matter judicially before me, I should then have said, without hesitation, that the binding was illegal for want of his consent, and would at once have ordered the boy to be discharged; but inasmuch as he has neglected the adoption of those measures, and has thus acquiesced in the apprenticeship for four years and upwards, I consider such conduct as equivalent to his express consent, and therefore sufficient to confirm the indenture. It would be monstrous, as it certainly would be unjust, for any man with such strong proof of consent before his eyes to say that it did not virtually exist here, and to pronounce the indenture invalid, merely forsooth, because the father was not a party thereto when it was executed before the alderman.

I am of opinion that the master has shown satisfactory reasons for the detention of Samuel Lecture, and accordingly direct that the apprentice remain in his custody.

*Important decision to Tavern-keepers and Stage Owners.*

UNITED STATES, vs. SIMON LINGLE.

January Sessions, A. D. 1832, before his Honor Judge Blythe and his associates, came on for trial the following prosecution:



Simon Lingle, the defendant was indicted by Benezzer Hale, contractor for carrying the mail from Harrisburg to Pottsville, under the authority given to State Courts, by the act of Congress passed in 1825. *For wilfully and knowingly retarding the progress of the mail of the U. States.*

The facts of the case as given in evidence were as follows: Benezzer Hale, the contractor for carrying the mail from Harrisburg to Pottsville, had kept one set of horses, at the defendant's, Simon Lingle, who kept a tavern; being the first place for changing from Harrisburg. Mr. Hale, had made arrangements with another tavern-keeper, and directed his driver that when he left Mr. Lingle's, this particular morning, he should not bring the horses back. Mr. Lingle, discovering that the horses were going to be removed, locked the stable door, and would not let the set of change horses out of the stable, until his bill of keeping was paid. In consequence of his detaining the fresh horses, the stage went no further, (the mail was sent on by horse by the defendant.) This was the grounds for the above prosecution. *His Honor Judge Blythe*, in laying down the law, *charged the jury*, that the holding of the horses by virtue of the lien which tavern-keepers have on all horses fed by them, was no offence, and was not a *wilful retarding the passage of the mail*. That horses, stages, and drivers, when not *actually* engaged in carrying the mail from one stage to another, were subject to the laws of Pennsylvania; and that the act of Congress only applied to persons, horses and stages, when actually engaged in carrying the mail.

Verdict for the defendants.

BANK OF THE UNITED STATES.

Washington, Jan. 21, 1832.

CONGRESSIONAL ANALYSIS.—In the Senate yesterday, Mr. Benton asked leave to introduce the following joint resolution.

A joint resolution declaratory of the meaning of the charter of the Bank of the United States, on the subject of the paper currency to be issued by the Bank:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the paper currency, in the form of orders drawn by the Presidents of the Offices of Discount and Deposite, on the Cashier of the Bank of the United States, is not authorized by any thing contained in the charter, and that the said currency is, and is hereby declared to be illegal, and that the same ought to be suppressed.

Mr. Benton supported the motion in a speech three hours long, and it was opposed by Messrs. Dallas, Buckner, Webster, Wilkins, Bibb, Chambers, and Smith; and further supported by Messrs. Forsyth, Miller, Kane, Marcy, and Tyler. The question being taken, leave to introduce the resolution was *refused* as follows:

YEAS—Messrs. Benton, Budley, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, Mangum, Marcy, Miller, Moore, Tazewell, Troup, Tyler, White—16.

NAYS—Messrs. Bell, Bibb, Buckner, Chambers, Clayton, Dallas, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnson, King, Knight, Naudain, Prentiss, Robbins, Robinson, Seymour, Silsbee, Smith, Tipton, Tomlinson, Webster, Wilkins—25.

The Speaker presented the memorial of the President and Directors of the Bank of Pennsylvania, praying a re-charter of the Bank of the United States. On motion of Mr. Wickliffe, it was referred to the committee of Ways and Means, with the following instructions to said committee:

“To enquire into the expediency of reporting a bill to incorporate a new Banking Company, to take effect and go into operation after the expiration of the charter of the Bank of the United States, reserving

one-third of the capital in said Bank, for the United States, together with a sufficient bonus on the charter; one-third to be subscribed for by such of the stockholders in the present Bank, as may be citizens of the United States, the other third to be taken by such citizens of the United States, as may desire so to invest their surplus capital.

“That they also enquire into the expediency of prohibiting the Bank from dealing in or holding real estate, except for the mere purposes of Banking houses and houses necessary for the transaction of the business of the company.

“Of prohibiting the location of any Branch in any State, without the consent of the Legislature of such State.

“And also, of so forming the charter, that the Legislatures of the several states shall and may exercise the power when they deem it expedient to do so, of imposing a fair and reasonable tax upon the capital employed, in any Bank or Branch of said bank, within the jurisdiction of such state; and also to subject the said corporation to be sued in the District or Circuit Court in any state, where they may have a Branch located, and the cause of action accrued.”

We are indebted to an obliging correspondent in Philadelphia for the following

STATEMENT

Of the quantity of foreign Coal imported into, and exported from the United States for each year, ending on the 30th of September, from the year 1820, to 1831 inclusive, both taken from the annual returns of the Secretary of the Treasury to Congress, also the balance in bushels remaining for consumption reduced into tons of 28 bushels each—with the aggregate amount of Lehigh, Schuylkill, and Lackawanna (Anthracite) coal mined and brought to market at tide water, from the commencement of that business in the year 1820, taken from the statement compiled and presented to the convention of the friends of Domestic Manufactures, held in New York, in October last:

Years.	Bushels Imported.	Bushels Exported.	Bushels remaining for consumption.	Equal to tons of 28 bush. each.	Anthracite tons of 28 bus. each.	Total.
1820	627,737	8318	619,419	22,192	365	365
1821	970,828	4167	966,661	34,523	1,073	23,195
1822	854,983	2846	852,137	30,433	2,440	36,963
1823	764,815	2414	762,401	27,228	5,833	36,256
1824	722,255	4140	718,075	25,645	9,541	36,769
1825	970,021	1080	968,941	34,605	33,393	59,038
1826	1127,338	1801	1125,537	40,257	48,047	82,652
1827	906,200	1743	904,457	32,302	61,661	101,918
1828	1272,970	4758	1268,212	45,293	77,395	109,697
1829	1640,295	12480	1,627,815	58,136	112,083	157,376
1830					174,925	233,061

For 1831, up to the 22d October, 140,948 tons of Anthracite had been brought to tide water. In consequence of the stoppage of canal navigation by ice a month earlier than usual, it will probably not exceed 180,000 tons.—*Miners' Journal*.



The subjoined statement of the number of fires that occurred in this city, in the course of the year 1831, with the amount of damage and the proportion insured, is from the list kept by the Recorder of the PENNSYLVANIA FIRE COMPANY, and read to the members, every month, at their stated meetings. Its accuracy may be relied on: for the Company, composed entirely of gentlemen of great respectability, is not less remarkable for the care and order with which its in-door affairs are conducted, than for the activity, skill and courage, displayed by its members when called out for active service:—

FIRES	1831	DAMAGED.	INSURED.
5	January,	\$ 7,109 96	\$ 4,596 56
9	February,	2,310 00	240 00
4	March,	10,366 00	4,396 00
9	April,	4,975 00	410 00
5	May,	5,195 00	3,065 00
6	June,	10,126 56	5,120 00
1	July,	19,640 00	6,000 00
5	August,	13,320 00	7,875 00
2	September,	400 00	
6	October,	10,670 00	9,400 00
4	November,	1,610 00	895 00
7	December,	21,250 00	9,750 00
63		\$106,972 52	\$51,747 56
Amount Insured,		- -	\$51,747 56
Do. not Insured,		- -	55,224 96
Total,		\$106,972 52	

#### PUBLIC MEETING.

At a town meeting of the citizens of this city and county, convened on Wednesday, 1st inst. at the county court house, to take measures for the suitable celebration of the Centennial anniversary of the birth of WASHINGTON.

On motion of General Robert Patterson, the meeting was organized by calling Benj. Richards, Esq. to the chair, and A. McCaraher and John Miles were appointed secretaries.

The following preamble and resolutions were offered by J. R. Ingersoll, Esq. which were unanimously adopted.

The citizens of Philadelphia and its vicinity, animated by the liveliest emotions of gratitude for the great services rendered to their country by GEORGE WASHINGTON, for the unblemished purity of his principles in life, and the imperishable example afforded in his actions to the nation and to mankind, deem it an inestimable privilege and a sacred duty, to contribute by every means in their power to the diffusion of his glory, and the preservation of his fame. They are sensible that public honours cannot add to the brightness of a reputation which time and its own unquestioned merits have already removed beyond the assaults of envy and the reach of praise. But they feel that in paying a tribute of honour to the father of the republic, they do honour to themselves. For the bounties and the blessings which they now enjoy, they acknowledge themselves indebted more than to any other human means, to the combination of fortitude, wisdom, and valor, which marked his conduct in war—to the dignified forbearance and enlightened love of country which guided his councils in peace—to the almost inspired humility which accompanied him into retirement, and shone forth from the recesses of his private life.

A hundred years have now elapsed since the birth of this unequalled man. None of us are so aged as to have been living when that event occurred. None are so young as to hope to celebrate the return of another century. Let us now rejoice in our power to record the enthusiasm with which this generation cherishes his virtues, and to transmit to the yet unborn millions of another age, our humble example of devotion to principles which were embodied in the life, and will conti-

nue to shed their influence from the character of WASHINGTON.

Resolved, That the citizens of Philadelphia and its vicinity will celebrate, with civic honours the 22d of February, 1832, as the centenary birth-day of George Washington.

2. That the arrangements be referred to a committee, with instructions to make public, at an early day, the preparations they shall have made for carrying into full effect the intentions of this meeting.

3. That a committee of arrangement be now appointed, consisting of 24 persons, with full power to take order according to the spirit of these resolutions.

On motion of Walter R. Johnson, Resolved, that on occasion of the approaching Anniversary of the birth day of Washington, it be respectfully recommended to our fellow citizens to abstain, at least during the hours set apart for the observance of the day, from their usual business occupations, in order that all classes of our citizens may have an opportunity of testifying the deep veneration which all entertain for the memory of that first of patriots and of men.

On motion Resolved, That the military of this division, and the surviving soldiers of the Revolution, residing in the city and county, be especially invited to participate in the proposed celebration.

The following gentlemen were appointed to act on the committee of arrangement, the meeting having resolved that the chairman and secretaries should form a part of that committee:

William Rawle,	Benj. W. Richards,
Alexr. McCaraher,	Joseph R. Ingersoll,
Josiah Randall,	Robert Patterson,
Walter R. Johnson,	Col. C. G. Childs,
Thomas M. Pettit,	Henry D. Gilpin,
James Page,	William Milnor, jr.
Thos. Cadwalader,	Charles S. Cox,
Benj. Chew, Jr.	John Miles,
Kenderton Smith,	Jacob Frick,
George N. Baker,	Isaac W. Norris,
Robert A. Parish,	Thomas H. Craige,
Richard Palmer,	James Ronaldson.
	BENJAMIN W. RICHARDS,
	Chairman.

Alexander McCaraher, } Secretaries.  
John Miles,

## THE REGISTER.

FEBRUARY 4, 1832.

After a considerable thaw for several days, and some rain—the navigation was so far open on the 22d and 23d ult. as to admit of some arrivals; on the 24th it rained, and scarcely any ice was to be seen in the river. On the 25th there was a fall of snow to the depth of a few inches; and some sleighs were in motion. On the 26th it was excessively cold—and by many considered the coldest day we have had this winter—and the river was again closed. On the morning of the 27th, at 7 o'clock, a Thermometer, at the western part of Chesnut street, stood at 3 below 0. Since then the river remained closed till Wednesday or Thursday last—but now it is open and vessels arrive.

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DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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From the Hartford Times.

## LITERARY CURIOSITY.

A manuscript copy of the following letter was placed in our hands by a friend, who found it among the miscellaneous contents of a sack of paper rags, collected by a pedlar in the southern states. The style of its penmanship is antique, but elegant. The letter itself is distinguished by uncommon eloquence and powers of persuasion. It appears to have been written by the Rev. JACOB DUCHE, a minister of the Episcopal church, and for a short time chaplain to the first Continental Congress, and it is addressed to "His Excellency, Gen. WASHINGTON."—It is probable this letter has been published before, but we have no recollection of it; and, thinking it cannot fail to interest our readers, and impress them, as it has us, with a still more exalted veneration for a man who rose superior to the discouragements of circumstances, and the reduction of false friends, we lay it before them.

Philadelphia, Oct. 8th, 1777.

SIR—If this letter should happen to find you in council, or in the field, before you read another sentence, I beg you to take the first opportunity of retiring, and weighing well its important contents.

You are perfectly acquainted with the part I have taken in the present unhappy contest. I was indeed among the first to bear my public testimony against having any recourse to threats, or even an armed opposition. But the torrent soon became too strong for my feeble efforts to resist. I wished to follow my countrymen as far only as virtue, and the righteousness of their cause would permit me. I was however prevailed upon among the rest of my clerical brethren, to gratify the pressing desire of my fellow citizens, by preaching a sermon to one of the city battallions. I was pressed to publish this sermon, and reluctantly consented. From a personal attachment of near twenty years' standing, and a high respect for your character in private as well as public life, I took the liberty of dedicating it to you. I received your thanks for my performance, in a letter, wherein you expressed in the most delicate and obliging terms your regard for me, and your wishes for a continuance of my friendship and approbation of your conduct. Farther than this I intended not to proceed. My sermons peaks for itself, and utterly disclaims the idea of Independency. My sentiments were well known to my friends; I communicated them without reserve to many respectable Members of Congress, who expressed a warm approbation of them. I persisted in using the public Prayers for my Sovereign, and the royal family, to the very last moment, though threatened with insults from the violence of a party. On the declaration of Independency, I called my vestry and solemnly put the question to them, whether they thought it best for the peace and welfare of the congregations, to shut up the churches, or to continue the service, without using the petitions for the royal family. This was the sad alternative. I concluded to abide by their decision, as I could not have time to consult my spiritual superior in England. They deemed it most expedient, under such critical circumstances, to keep open the churches, that the congregations might not be dispersed, which we had

great reason to apprehend. A very few days after the fatal declaration of Independency, I received a letter from Mr. Hancock, sent by express to Germantown, where my family were for the summer season, acquainting me that I was appointed Chaplain to the Congress, and desired to attend at nine o'clock the next morning. Surprised and distressed by an event I was not prepared to expect, obliged to give an immediate answer without an opportunity of consulting my friends, I rashly accepted the appointment. I could have but one motive for taking this step. I thought the Churches in danger, and hoped by this means to be instrumental in preventing those evils, I had so much cause to apprehend. I can, however, with truth declare, that I then looked upon Independency rather as an expedient, and an hazardous one indeed, thrown out in *Terrorem*, in order to procure some favorable terms, than as a measure that was seriously to be persisted in at all events. My sudden change of conduct will clearly evince this to have been my idea of the matter. Upon the return of the committee of Congress, appointed to confer with Lord Howe, I soon discovered their real intentions. The different accounts, which each member gave of his conference, the time they took to make up the matter for the public view; and the amazing disagreement between the newspaper account, and the relation I myself had from the mouth of one of the committee, convinced me, that there must have been some unfair and ungenerous procedure. The determination to treat on no other ground than that of Independency, which put it out of his Lordship's power to mention any terms at all, was a sufficient proof to me, that Independency was the idol which they had long wished to set up, and that, rather than sacrifice this, they would deluge their country in blood.

From the moment I determined upon my resignation—and, in the beginning of October, 1776, sent it in form to Mr. Hancock, after having officiated only two months and three weeks, and from that time, as far as my safety would permit, I have been uniformly opposed to all their measures. This circumstantial account of my conduct I thought due to the friendship you were so obliging as to express for me, and I hope will be sufficient to justify any seeming inconsistencies in the part I have acted. And now, my dear sir, suffer me, in the language of truth and real affection, to address myself to you. All the world must be convinced, that you engaged in the service of your country, from motives perfectly disinterested. You risked every thing that was dear to you. You abandoned all those sweets of domestic life, of which your affluent fortune gave you an uninterrupted enjoyment. But had you, could you have had the least idea of matters being carried to such a dangerous extremity, as they are now? Your most intimate friends at that time, shuddered at the thought of a separation from the mother country; and I took it for granted, that your sentiments coincided with theirs. What have been the consequences of this rash and violent measure? A degeneracy of representation, confusion of councils, blunders without number. The most respectable characters have withdrawn themselves, and are succeeded by a great majority of illiberal and violent men. Take an impartial view of the present congress. What can you expect from them? Your



feelings must be greatly hurt by the representation from your native province.

You have no longer a Randolph, a Bland, or a Braxton.—Men, whose names will be ever revered, whose demands never rose above the first grounds on which they set out, and whose truly generous and virtuous sentiments, I have frequently heard with rapture from their own lips. O, my dear sir, what a sad contrast! Characters now present themselves, whose minds can never mingle with your own. Your Harrison alone remains, and he, disgusted with his unworthy associate. As to those of my own province, some of them are so obscure, that their very names have not met my ears before, and others have only been distinguished for the weakness of their understandings, and the violence of their tempers. One alone I except from the general charge, a man of virtue, dragged reluctantly into their measures, and restrained by some false ideas of honor from retracting, after having gone too far. You cannot be at a loss to discover whose name answers to this character. From the New England provinces can you find one, that as a gentleman, you could wish to associate with, unless the soft and mild address of Mr. Hancock can atone for the want of every other qualification, necessary for the station he fills? Bankrupts, attorneys, and men of desperate fortune, are his colleagues. Maryland no longer sends a Tilghman, and a protestant Carroll. Carolina has lost her Lynch, and the elder Middleton has retired.

Are the dregs of a congress then still to influence a mind like yours? These are not the men, whom you engaged to serve. These are not the men, whom America has chosen to represent her now. Most of them elected by a little low faction, and the few gentlemen that are among them, now well known to be upon the balance, and looking up to your hand alone to remove the beam. It is you, sir, and you alone, that support the present congress. Of this you must be fully sensible. Long before they left Philadelphia, their dignity and consequence was gone. What must they be now since their precipitate retreat? I write with freedom, but without invective. I know those things to be true; and I write to one whose own observation must have convinced him that they are so.

After this view of congress, turn to your army. All the world knows that its very existence depends upon you; that your death, or captivity disperses it in a moment, and that there is not a man on that side of the question in America, capable of succeeding you. As to the army itself, what have you to expect from them? Have they not frequently abandoned even yourself in the hour of extremity? Have you, can you have the least confidence in the sect of undisciplined men and officers, many of whom have been taken from the lowest of the people, without principle, without courage? Take away those that surround your person, and how very few are there, that you can ask to sit at your table? Turn to your little Navy. Of that little, what is left? Of the Delaware fleet, part are taken, the rest must soon surrender. Of those in the other provinces, some are taken, one or two at sea, and the others lying unmanned and unrigged in their harbours.

And now, where are your resources? Oh, my dear sir! how sadly have you been abused by a faction void of truth and void of tenderness to you and your country? They have amused you with the hopes of a declaration of war on the part of France. Believe me, from the best authority, it was a fiction from the first. Early in the year 1776, a French gentleman was introduced to me, with whom I became intimately acquainted. His business to all appearance, was to speculate in the mercantile way. But I believe it will be known, that in his own country, he moved in a higher sphere. He saw your camp. He became acquainted with all your military preparations. He was introduced to congress, and engaged with them in a commercial contract. In the course of our intimacy he has frequently told me, that he hoped the Americans would never think of Independen-

cy. He gave me his reasons. "Independency, said he, can never be supported, unless France should declare war against England. I well know the state of her finances. Years to come will not put them in a situation to venture upon a breach with England. At this moment, there are two parties in the Court of Versailles, one enlisted under the Duke of Choiseul, the other under Count Maurepas. Choiseul has no chance of succeeding—he is violent for war. Maurepas must get the better—he is for economy and peace." This was his information, which I mentioned to several members of Congress. They treated it as a fable; depending entirely on the intelligence from Dr. Franklin. The truth of the matter is this: Dr. Franklin built upon the success of Choiseul. Upon his arrival in France, he found him out of place, his councils reprobated, and his party dwindled to an insignificant faction. This you may depend upon to be the true state of the court of France. And further, by a vast number of letters, found on board prizes taken by the King's ships, it appears, that all commerce with the merchants of France, through whom alone the supplies have been conveyed, will soon be at an end, the letters being full of complaints of no remittances from America, and many individuals having suffered greatly on that account.

From your friends in England, you have nothing to expect; their numbers have diminished to a cypher; the spirit of the whole nation is in full activity against you. A few sounding names among the nobility, though perpetually wrung in your ears, are said to be without character, without influence. Disappointed ambition, I am told, has made them desperate; and that they only wish to make the deluded Americans, instruments of their revenge. All orders and ranks of men in Great Britain are now unanimous, and determined to risk their all in the contest. Trade and manufactures are found to flourish, and new channels are continually opening, that will perhaps more than supply the loss of the old.

In a word, your harbours are blocked up, your cities fall one after another; fortress after fortress, battle after battle is lost. A British army, after having passed almost unmolested through a vast extent of country, have possessed themselves with ease of the capital of America. How unequal the contest was! How fruitless the expense of blood.

Under so many discouraging circumstances, can virtue, can honor, can the love of your country, prompt you to persevere? Humanity itself (and sure I am, humanity is no stranger to your breast) calls upon you to desist. Your army must perish for want of common necessities, or thousands of innocent families must perish to support them. Wherever they encamp, the country must be impoverished. Wherever they march, the troops of Britain will pursue, and must complete the devastation, which America herself had begun.

Perhaps it may be said, that it is "better to die, than to be a slave." This indeed is a splendid maxim in theory, and, perhaps, in some instances, may be found experimentally true. But where there is the least probability of an happy accommodation, surely wisdom and humanity call for some sacrifices to be made to prevent inevitable destruction. You well know there is but one invincible bar to such an accommodation. Could this be removed, other obstacles might readily be overcome. 'Tis to you, and you alone, your bleeding country looks, and calls aloud for this sacrifice. Your arm alone has sufficient strength to remove this bar. May heaven inspire you with the glorious resolution of exerting this strength at so interesting a crisis, and thus immortalizing yourself as the friend and guardian of your country.

Your penetrating eye needs not more explicit language to discern my meaning. With that prudence and delicacy, therefore, of which I know you to be possessed, represent to congress the indispensable necessity of rescinding the hasty and ill-advised declaration of Independency. Recommend, and you have an undoubted



right to recommend, an immediate cessation of hostilities. Let the controversy be taken up, where that declaration left it, and where Lord Howe certainly expected to have found it. Let men of clear and impartial characters, in or out of congress, gentlemen liberal in their sentiments, heretofore independent in their fortunes, and some such are surely to be found in America, be appointed to confer with his majesty's commissioners. Let them, if they please, prepare some well digested, constitutional plan, to lay before them, as the commencement of a negotiation. When they have gone thus far, I am confident that the most happy consequences will ensue. Unanimity will immediately take place through the different provinces. Thousands, that are now ardently wishing and praying for such a measure, will step forth and declare themselves the zealous advocates of constitutional liberty, and millions will bless the hero, that left the field of war, to decide this most important contest with the weapons of wisdom and humanity.

O sir! let no false ideas of worldly honor deter you from engaging in so glorious a task. Whatever censure may be thrown out by mean and illiberal minds, your character will rise in the estimation of the virtuous and noble. It will appear with lustre in the annals of history, and form a glorious contrast to that of those who have fought to obtain conquest and gratify their own ambition, by the destruction of their own species, and the ruin of their country.

Be assured, that I write not this under the eye of any British officer, or any person connected with the British army or ministry. The sentiments I have expressed are the real sentiments of my heart, such as I have long held, and which I should have made known to you by letter before, had I not fully expected an opportunity of a private conference. When you passed through Philadelphia, on your way to Wilmington, I was confined by a severe fit of the gravel to my chamber. I have since continued so much indisposed, and times have been so very distressing, that I had neither spirits to write a letter, nor opportunity to convey it when written. Nor do I yet know by what means I shall get these sheets to your hands. I would fain hope that I have said nothing by which your delicacy can be in the least hurt. If I have, it has, I assure you, been without the least intention, and therefore your candor will lead you to forgive me. But what I have said is partly from my own knowledge, and partly from the information of some respectable members of the former, and some of the best officers of the latter. I would not offend the meanest person upon earth. What I say to you, I say in confidence, to answer what I cannot but deem a most valuable purpose. I love my country, I love you. But to the love of truth, the love of peace, and the love of my God, I hope I shall be enabled, if called to the trial, to sacrifice every other inferior love.

If the arguments made use of in this letter, should have so much influence, as to engage you to the glorious work I have so warmly recommended, I shall ever deem my success as the highest temporal favor, that providence could grant me. Your interposition and advice I am confident, will meet with a favorable reception, from the authority under which you act. If it should not, you have one infallible resource still left—negotiate for America at the head of your army.

After all, it may appear presumption in an individual to address himself to you upon a subject of such magnitude, or to say what measures should best secure the interest and welfare of a whole continent. The favorable and friendly opinion you have always expressed of me emboldened me to undertake it; and (which has greatly added to the weight of the motive) I have been strongly impressed with a sense of duty upon this occasion, which left my conscience uneasy, and my heart afflicted, till I had fully discharged it: I am no enthusiast. The case is new and singular to me. I could not enjoy a moment's peace till the letter was written.

With the most ardent prayers for your spiritual as well as temporal welfare, I am, sir, your sincere friend and obedient servant,

JACOB DUCHE.

To his Excellency,  
GEN. WASHINGTON.

### THE LATE STEPHEN GIRARD, ESQ.

Departed this life, at Philadelphia, on Monday the 26th of December, 1831, in the 82d year of his age, STEPHEN GIRARD, Esq., a citizen more extensively known throughout the United States, perhaps, than any other individual who has not appeared on the political theatre. It is not our design to write a biography of this extraordinary man, or to pronounce an eulogium upon his merits. It is sufficient for us to say, that he held a high place in the esteem of the inhabitants of Philadelphia—that he was charitable and humane, temperate in his habits, rigid in his economy, just and upright in his dealings, and devoted to industrious pursuits with a perseverance and an intelligence seldom equalled. It is particularly in reference to his successful accumulation of property, by his commercial and banking operations, that we propose to speak of him; and in this particular he stands altogether unrivalled, having no equal, in point of wealth, in the Western Hemisphere.

Mr. Girard was a native of Bourdeaux, but came to this country above fifty years ago. He commenced mercantile business in Philadelphia with a very small capital, which he had saved from his earnings as a master of a vessel. His habits of living were the most economical; and by the time the period had arrived, at which our neutral position gave the shipping of the United States superior advantages in commerce, he had accumulated a sufficiency to enable him to enter the field as a ship owner. Taking advantage, then, of the occasion thus presented, he adopted the principles of good faith in his navigating operations, acted most truly the part of a neutral, and to avoid incurring the risks which attached in those belligerent days, to vessels suspected of covering enemies' property under the American flag, refused to carry on board his ships property belonging to any body but himself. The rigid observance of this rule, acquired for him a high reputation amongst the officers of the British navy; and it was a rare thing for a vessel belonging to Mr. Girard to be detained on the high seas. Whilst other merchants were interrupted in their voyages, and had their vessels captured, sent in for adjudication, and sometimes condemned, rightfully or wrongfully—the ships of Mr. Girard sailed unmolested. He was not even in the habit of making insurance on his vessels and cargoes; and so great was his good fortune in this particular, that he very seldom, in his long career, lost a vessel.

Soon after the expiration of the Charter of the old Bank of the United States, in 1811, Mr. Girard purchased their Banking-house in Third street, and commenced the operations of a Banker. The capital which he placed in his banking establishment was understood to have been \$1,200,000, which he not long afterwards vested in the hands of trustees, in order that, in case of his decease, no interruption should take place in the fulfilment of his engagements as a banker, and that no derangement in the affairs of the commercial community should result from a sudden withdrawal of his capital. The management of the bank was, however, reserved to himself; and, from its first formation to the period of his last illness, the discounts were entirely regulated by himself and his cashier. Of this capital, and of its accumulations, it is understood that not more than \$300,000 have ever been withdrawn from the institution, and that at a late period; and when we state the fact, derived from a respectable source, that the total capital at this time is but \$4,000,000, it will show that Mr. Girard's banking operations were always conducted within safe and prudent limits; for it is not known that



he experienced many heavy losses. At compound interest of eight per cent. money doubles in nine years and two days; and as Mr. Girard commenced his bank in March, 1812, his capital should have been more than quadrupled, had his income, clear of expenses, been equal to eight per cent. per annum.

But it must not be passed by, in noticing the transactions of this first private banker in the United States, as well in regard to time as to extent of capital, that Mr. Girard was a sound theorist upon questions of banking. He understood the matter instinctively. He knew that banks were only serviceable to a community, by enabling persons possessing capitals to anticipate them by getting their bills receivable discounted, and not by lending capitals; and, hence, he set his face, from the commencement, against lending money upon permanent accommodation notes, and confined himself so exclusively to the discounting of real paper, that he was often enabled to lend money, whilst other banks were calling in. At the time of the suspension of specie payments, which commenced in August, 1814, and continued to January, 1817, Mr. Girard foresaw that the public might not have the same spirit of forbearance towards a private individual banker, as they would towards a corporation, and he accordingly took legal advice on the subject, which led him to withdraw his notes, and to make loans and accept deposits payable only in the notes of the incorporated banks. Had he not done this, the probability is, that all who had claims upon him in the form of deposits, would have drawn out their funds in coin; and he would not only have been driven down, in his discounts, to the amount of his capital, but would not have been able even to get payment from those who had borrowed his coin, in any other money than the depreciated paper of the incorporated banks.

During the whole period of his banking operations, Mr. Girard carried on foreign commerce more or less. His operations were generally directed to long or circuitous voyages. His trade to China, the East Indies, and other countries east of the Cape of Good Hope, was at one time very extensive, as was also his trade to the North of Europe. Several foreign voyages were sometimes performed without the ship's returning home; and hence it may be seen, that the labors of the counting-house were not so multiplied as those which are necessary to be performed with much less capital employed in short voyages. To this circumstance, added to very early rising, is to be ascribed the leisure which Mr. Girard enjoyed, and which was devoted to the cultivation of a farm a few miles from the city, which he visited for years almost every day, and where, perhaps, he imbibed the golden sentiment which has been ascribed to him, and which shows that he did not consider that he lived alone for himself—"If I thought I should die to-morrow, I would plant a tree to-day." Indeed he acted uniformly upon this principle; and we learn, that, having lately contracted for the building of a number of houses on the square of ground called by his name, situate between Market and Chesnut and Eleventh and Twelfth streets, he made provision in his will for their being completed, in case he should not live to see it done.

When we say that Mr. Girard was an economist, we do not say it merely in a relative sense, but in a positive one. We recollect ourselves once calling at his counting-house to see him on business, and were told by his clerk, that he was then busily employed in the cellar, cutting up with his own hands his winter's pork, and could not be seen. He entertained no company, lived upon the most simple food, plainly cooked, engaged in none of the scenes or indulgences of social life; and, being a widower for some years past, without children, his life was a solitary one. His chief happiness appeared to be, employment. He was never idle, but was emphatically, a man of business. He was rigid in his

bargains—took care of his six-pencees, knowing that the pounds would take care of themselves—and would, perhaps, hold out for the change of a cent, as long as any poor man living. This was the result of his habits of early life, and was, in fact, a part of that system and method which he uniformly displayed, and which constituted him the very individual he was. There is no evidence that he loved money. He certainly did not accumulate property for any good it could do himself. He resembled more a steward of some great proprietor, managing a large estate for a very moderate compensation, than the proprietor himself. He did not appear to covet honors or fame, and was free from every display of ostentation. His dwelling-house was under the same roof with his counting-house, in a narrow street near the river, (Water street,) and in a neighborhood occupied altogether with stores. His equipage was an old chaise and a sober looking farm horse, and the furniture of his house was of the plainest sort. In personal appearance, he was as plain as the plainest citizen; and so entirely free was he from all pride of purse, that he looked more like a man worth a hundred dollars than eight millions.

This economical style of life, known to every body as characterizing Mr. Girard, has induced some persons to entertain very erroneous views of the influence of his mode of living upon the welfare of the community. You would hear people say, "It is a pity that Mr. Girard does not make a better use of his money—he ought to live more affluently, and, by that means, give employment to tradesmen, and other poor people." It is very certain, that Mr. Girard contributed very little to the support of livery servants, footmen, coachmen, pastry-cooks, French restaurateurs, ice-cream makers, dancing masters, musicians, play-actors, hair-dressers, fancy shop-keepers, jewellers, and many other callings; but his income was not, on that account, less unexpended. His fancy was to set in motion the industry of ship-builders, riggers and sail-makers, seamen, stevedores and draymen, and of late years, that of carpenters, bricklayers, brick-makers, masons, plasterers, painters, glaziers, marble masons, and all the other mechanics employed by him in building houses. What portion of his capital and income he did not so expend, he lent to others, to be expended as they might see fit; and perhaps it may be said, that not a dollar of his immense wealth was suffered to lie idle. So far from his mode of expenditure operating disadvantageously to the working classes, it has been, of all others, the one which was calculated to produce the greatest good to the community. No part of his income has been spent unproductively—for every dollar which has gone towards the support of industry, there is a dollar's worth, or something more to show for it; which would not have been the case, had the course been pursued which so many people deem to be the most beneficial. Even the little he consumed himself, in his support, was but the wages of a hard-working overseer, or manager, engaged in seeing the property entrusted to his stewardship applied to the most productive purposes. And cannot any one perceive that the superintendence of so frugal and industrious a steward, has been the means of accumulating an immense fund in the city of Philadelphia, which could never have existed, but owing to the cheapness with which so large a capital was managed? The same sum divided into a hundred portions, could never have produced the same accumulation; and for this simple reason, that, in its management, a hundred individuals or families would have had to be supported, whereas, in this case, only one individual was to be supported, and he too, very frugally. Had Mr. Girard been a miser who buried his wealth, had he hid his talent in a napkin, then, indeed, he would have been obnoxious to the imputation of an unfaithful steward. But he did not so—he put his talent to the exchangers, where it accumulated for the benefit of the community, more than for that of himself; and, as far as the question of national



wealth is concerned, he may be called a good and faithful servant.

If these views are correct, Mr. Girard cannot but be regarded as a great public benefactor, nor can his death be considered other than as a great public loss. His property, it is true, is left behind him, but it can never hereafter be so productively and economically managed; and whilst the individuals or corporations who inherit it are gainers by his death, the community are losers. The aid which he has rendered to several works of Internal Improvement, by loans, and subscriptions to their stock, which invariably gave strength and confidence to the companies concerned in them, would alone entitle him to the appellation we have bestowed upon him, and we trust that a monument to his memory may decorate some conspicuous spot in our city, as evidence of the public gratitude to one who has done so much service to the country, and who has set so bright an example for the imitation of the poor and industrious.—*Banner of the Constitution.*

**PENNSYLVANIA HORTICULTURAL SOCIETY,**  
Established in Philadelphia, offers the following Premiums for Esulent Vegetables and Fruits, for 1832 and 1833.

1st. For the best foreed cauliflowers, not less than three in number, to be produced on or before Wednesday, May 9th, 1832, a premium of five dollars.

2d. For the best early cauliflowers grown in the open ground, not less than three in number, to be produced on or before the second Monday of July, (9th,) 1832, a premium of five dollars.

3d. For the best late or autumnal cauliflowers, not less than three in number, to be produced on or before the second Monday in November, 1832, a premium of five dollars.

4th. For the best early cabbage, not less than six heads to be produced on or before the last Saturday in May, (26th,) 1832, a premium of three dollars.

5th. For the best early peas, not less than a half peck in quantity, to be produced on or before Saturday, 5th May, 1832, a premium of three dollars.

6th. For the best early peas grown in Pennsylvania, not less than a half peck, to be produced on or before Saturday, 10th May, 1832, a premium of three dollars.

7th. For the best broccoli, not less than five in number, to be produced on or before the second Monday in November, (12th,) 1832, a premium of five dollars.

8th. For the best Melongena, (egg plant) not less than three in number, to be produced on or before Saturday, 4th of August, 1832, a premium of three dollars.

9th. For the best artichokes, not less than six in number, to be produced on or before the second Monday in June, (11th,) 1832, a premium of three dollars.

10th. For the best cardoon, (cynara cardunculus) not less than five stalks, to be produced on or before the second Monday in October, (8th,) 1832, a premium of five dollars.

11th. For the best celery, not less than six stalks, to be produced on or before the second Monday in November, (12th,) 1832, a premium of three dollars.

12th. For the best taragon, not less than three fair sized bunches, to be produced on or before the second Monday in May, (14th,) 1832, a premium of two dollars.

13th. For the best tomato, (love apple) not less than one dozen, to be produced on or before the last Wednesday in June, (27th,) 1832, a premium of three dollars.

14th. For the best strawberries, not less than two quarts, to be produced on or before Saturday, 26th May, 1832, a premium of three dollars.

15th. For the best raspberries, not less than two quarts, to be produced on or before the second Monday in July, (9th,) 1832, a premium of three dollars.

16th. For the best gooseberries, not less than one quart, to be produced in a ripe state during the season of 1832, a premium of two dollars.

17th. For the best cherries, not less than two pounds, to be produced on or before the last Saturday in June, (30th,) 1832, a premium of three dollars.

18th. For the best apricots, not less than one dozen, to be produced on or before the second Monday in July, (9th,) 1832, a premium of three dollars.

19th. For the best pears, not less than half a peck, to be produced on or before the second Monday in October, (8th,) 1832, a premium of three dollars.

20th. For the best pears, not less than half a peck, to be produced in a ripe state from December, 1832, to the second Monday in March, 1833, a premium of five dollars.

21st. For the best grapes, foreign, not less than four bunches, to be produced on or before the second Monday in October, (8th,) 1832, a premium of three dollars.

22d. For the best native grapes, not less than four bunches, to be produced on or before the second Monday in October, (8th,) a premium of three dollars.

23d. For the best plums, not less than two dozen, to be produced on or before the second Monday in October, (8th,) 1832, a premium of three dollars.

24th. For the best early potatoes, not less than one peck, to be produced on or before the last Saturday in May, (26th,) 1832, a premium of three dollars.

25th. For the best early apples, not less than half a peck, to be produced on or before the second Monday in August, (13th,) 1832, a premium of two dollars.

26th. For the best fall apples, not less than half a peck, to be produced on or before the second Monday in October, (8th,) 1832, a premium of three dollars.

27th. For the best winter apples, not less than half a peck, to be produced on or after the second Monday in January, (10th,) 1833, a premium of three dollars.

28th. For the best early peaches, not less than half a peck, to be produced on or before the second Monday in August, (13th,) 1832, a premium of three dollars.

29th. For the best late peaches, not less than half a peck, to be produced on or after the first Monday in October, (8th,) 1832, a premium of three dollars.

30th. For the best early cucumbers, not less than six in number, to be produced on or before Wednesday, 2d May, 1832, a premium of five dollars.

31st. For the best foreed lettuce, not less than four heads, to be produced on or before Wednesday, 18th April, 1832, a premium of three dollars.

32d. For the best lettuce grown in the open air, not less than six heads, to be produced on or before Wednesday, the 16th May, 1832, a premium of three dollars.

33d. For the best figs, not less than one dozen, to be produced on or before Saturday, 29th September, 1832, a premium of three dollars.

34th. For the best quinces, not less than a half peck, to be produced on or before Wednesday, 31st October, 1832, a premium of three dollars.

35th. For the introduction of any new and valuable seeds, fruits or plants during the year 1832, a premium of from two to ten dollars, at the discretion of the Society.

In addition to the premium, the Society's Certificate, handsomely framed, will be awarded to each successful competitor.

The object of the Society in offering these premiums, is to excite a spirit of emulation among cultivators, to improve the varieties of fruits and vegetables, and disseminate a knowledge of the art of gardening. Therefore all persons, whether members of the society or not, are eligible as competitors, and are invited to become such.

Fruits and vegetables may be sent to the Seed Warehouse of Messrs. D. & C. Landreth, No. 85, Chesnut street, where the Committee will attend for examination every Wednesday and Saturday morning, from 8 to 9 o'clock.



It is desirable that each kind of fruit offered for competition may be as numerous as possible, regard being had to produce none but of a fine quality, for instance, the first fruit on the list for premiums is strawberries, the two quarts of which may consist of numerous kinds, though a single variety excelling all others offered, would be successful. Each kind should be accompanied by its name.

It is also desirable that the vegetables exhibited should be accompanied by short observations on the mode of cultivation, if peculiar, together with any other remarks of utility.

If of any article for which a premium is offered, no specimen be submitted worthy of distinction, the Society reserves the power to withhold the premium.

It is to be clearly understood, that any fruits and vegetables brought forward for competition are to be the growth of the competitor.

Further information, if desired, can be had on application to any member of the council.

GEORGE VAUX, *President.*

C. PICKERING, *Recording Secretary.*

## PROCEEDINGS OF COUNCILS.

*Thursday, Feb. 2, 1832.*

**SELECT COUNCIL.**—The following letter addressed to the Mayor from the Executors of Stephen Girard was received.

Philadelphia, January 30, 1832.

The Mayor is respectfully informed by the executors of Stephen Girard, that there is property in vessels and merchandize afloat, valued at \$220,000, no part of which is insured, and that in Savannah, Norfolk and Alexandria; there is merchandize in store to the value of \$130,000 purchased by order of the testator, not insured against fire, it having been the practice of the Testator, not to insure, and as the executors are advised by their Counsel that they are not at liberty to insure, unless by the authority of those who are interested in the residuary of the estate, they give this information in order that they may be instructed on the subject.

TIMOTHY PAXSON,  
THOS. P. COPE,  
JOSEPH ROBERTS.  
JOHN A. BARCLAY.

Mr. MASSEY offered the annexed resolution which was adopted.

Resolved, By the Select and Common Councils of the City of Philadelphia, That the Councils hereby consent and agree that the Executors of S. Girard, deceased, may insure any property belonging to his Estate, now under the care of the executors whether in merchandize, in store, afloat, or in vessels, and that so far as the authority of the Councils is necessary to enable said Executors to make such insurance, such authority is hereby granted.

The annexed letter from Mr. D. S. HASSINGER, enclosing a copy of the Bill was received.

Sir,—I have the honour to inclose a copy of a Bill, entitled "An act to appoint additional wardens for the Port of Philadelphia," reported in Senate by Mr. Taylor, chairman of the committee to whom the memorial from Spring Garden was referred.

I am, very respectfully, Sir, your most ob't. serv't.

DAVID S. HASSINGER.

Senate Chamber,

JNO. M. SCOTT, Esq. Pres'dt. Select Council.

**AN ACT** to appoint additional Wardens for the port of Philadelphia.

**SECTION 1.** Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same: That immediately after the passing of this act there shall be four additional assistant wardens for the port of Philadelphia,

two of whom shall reside in the city of Philadelphia west of Tenth street; one in the district of Spring Garden, and one in the township of Moyamensing or Passyunk; to be annually appointed by the governor, subject to all the duties and penalties, and having the same powers and privileges as by law are now granted to the board of wardens for the port of Philadelphia.

The following letter from Mr. WILLIAM BOYD was also received.

Harrisburg, Jan. 29, 1832.

JNO M. SCOTT, Esq.

President Select Council:

I herewith forward two copies of the bill, entitled "An Act to incorporate the York and Maryland line Rail Company," which bill has passed the House of Representatives. The bill is in order for Wednesday next in Senate. Be pleased to transmit one of the copies to Common Council, for the use of that chamber.

I am, very respectfully, yours, &c.

WM. BOYD.

Mr. MASSEY offered the annexed resolution, which was passed by the Select Council, but rejected by the Common Council:

Resolved, That the Mayor be, and he is hereby authorized, in behalf of the city of Philadelphia, to proceed to Harrisburg, if his official duties permit, and at such time as he may judge proper, for the purpose of promoting and procuring, as early as practicable, the enactment of such a law as may be requisite to carry into execution the will of the late Stephen Girard, agreeably to the bill which was handed to the committee in Philadelphia appointed by the House of Representatives to confer with the Councils upon the subject.

**COMMON COUNCIL.**—Mr. FRITZ presented the following petition, which was referred to the Paving Committee:

*To the Select and Common Councils of the City of Philadelphia.*

The memorial of the subscribers, residents in Thirteenth street and its vicinity, in the township of Moyamensing—respectfully sheweth,

That the subscribers have incurred an expense of more than four thousand dollars, in paving Thirteenth street south of Cedar street, and have made costly improvements there; but are now exposed to great loss and injury in consequence of the levels and descents that have been given to the newly laid pavements and gutters within the city, near the said place; by which the whole refuse water in times of heavy rain is thrown southward, so as to empty upon the township of Moyamensing, at the corner of Thirteenth street; where it necessarily finds a vent along the said street upon the property of your memorialists, in a manner that is found to be injurious and destructive to an alarming degree. The whole line of Thirteenth street is there turned into a drain for the refuse water of the city, by which the pavement is injured and the cellars of the houses are filled; and the consequences to the subscribers, both as it regards property and health, are very serious.

Representations of their grievances have been made to the Commissioners of the township of Moyamensing without the slightest prospect of relief,—some alleging that it is but just that each corporation should provide for the discharge of its own surplus water, without casting it upon the adjacent property; and others, the inability of the township to incur an expense of this kind. Under these circumstances, your memorialists submit their distressed situation to the consideration of your honourable bodies, with the fond hope that a remedy will be ordered, either by means of a culvert or drain within the city, or by a covered passage for the water southwardly to the natural water courses at no great distance.

Your memorialists pray for an early attention to this subject, as their property in its present state is exposed



to destruction, owing to the immense body of water which is thrown upon it from the bounds of the city.

Mr. OKIE presented a petition from victuallers who had occupied places in Market street, west of Ninth street, which was referred to the Committee on Markets.

Mr. OKIE presented the annexed petition, which was referred to the Committee on the Girard Fund.

*To the Select and Common Councils.*

The undersigned, tenants of the late Stephen Girard, Esq. of dwellings Nos. 160, 162, 162½ and 164 South Second street, which property by his will has passed to the city of Philadelphia, respectfully represent, that they are unwilling to continue tenants of said property at the rents which they have within a few years paid, and request the Councils may reduce the same to four hundred dollars from the 1st ultimo.

They beg leave also to state, that some of them have been tenants of the late owner for several years, and during the greater part of that period have paid but the latter price.

F. DUSAR,  
JOHN R. LEGEE,  
JOHN B. MYERS,  
JAMES DAY.

Philadelphia, Feb. 1st, 1832.

INFORMATION REQUESTED RELATING TO  
MANUFACTURES.

The Franklin Institute, has with commendable zeal, undertaken to collect information respecting the extent and value of manufactures in this state—and for this purpose appointed a committee of nine gentlemen, who have issued the following circular and queries; in a tabular form, neatly printed, and applicable to nine distinct classes of inquiry. We have arranged the heads of the tables (our pages not permitting us to give the form, which is the same for each class,) under the first class, so that any person wishing to communicate, on any branch, will know the form in which it is desirable for uniformity to place it. The subject is of great importance, and one which addresses itself to every citizen, especially to every one engaged in any branch of manufacture; and we most cordially commend it to general attention, trusting that this attempt to present a complete statement, will be promoted by every person capable of imparting the desired information. Such a view as this will afford, when completed, is a great desideratum, and one that has never yet been furnished.

*Hall of Franklin Institute, }  
Philadelphia, Jan. 1, 1832. }*

SIR, "The Franklin Institute of the state of Pennsylvania, for the promotion of the Mechanic Arts," prompted by a desire of furthering the objects of their association, by obtaining information which may, through the medium of their Journal, be rendered extensively useful to the country, have appointed the undersigned a committee for the purpose of ascertaining the number and condition of all the manufacturing establishments and mechanic Institutions in this state. The recent census of the United States, it is well known, is deficient in its returns of the physical power and resources of the country, now so extensively developed by the enterprize, skill and capital of our citizens in all the important branches of national industry. Nothing is more eagerly desired by the public, than a particular knowledge of these interesting subjects, so intimately connected with the objects of general science and education.

The Franklin Institute being established with the view of aiding in all laudable objects of this nature, and

disclaiming entirely any bias of sectional or political considerations, have appointed us a committee to solicit and collect information that may supply so important a desideratum. We take the liberty, therefore, respectfully to invite your co-operation in an object which cannot be accomplished in any other way than by information voluntarily contributed by patriotic and scientific citizens residing in the numerous manufacturing and mechanic settlements throughout the state.

The earliest and most exact statements of the various subjects to be detailed, are particularly desirable; and, in order that our views may be clearly understood, we annex a *Schedule of interrogatories*, to which we request as specific answers as may be obtained, with such statistical and general information in addition thereto, as may seem promotive of our especial object. Care has been taken to avoid making inquiries that may be thought irrelevant, or improper on account of exposing interests, the publication of which would be objected to by those concerned, and on this account a column for the average price of labor is omitted: but as there is no statistical inquiry more interesting, nor one that would probably exhibit our industrious population in a more advantageous light, it is requested that such information may be given on this subject in the last column as can with propriety be ascertained, designating the kinds of labour and average rates of wages paid monthly or per annum.

Should you find it impracticable to procure the desired intelligence personally, we shall esteem it a favour to be informed by you, *as early as possible*, of the names of those persons residing in your neighbourhood, who would be most suitable and willing to satisfy our inquiries. You will notice, by the table sent herewith, that the information for the various classes, may be ascertained by different persons, to be appointed by yourself, in case you require any aid; and the arrangement of the columns is such that a general and uniform result may be obtained throughout the state.

Your communications, addressed to WILLIAM HAMILTON, Esq. Actuary of the Institute, will be gratefully appreciated, and any explanations that may from time to time be required, will be readily afforded by us.

We are very respectfully,

Your obedient servants,

WILLIAM H. KEATING,	} Committee.
C. C. HAVEN,	
W. R. JOHNSON,	
FREDERICK FRALEY,	
ALEX. DALLAS BACHE,	
SAMUEL V. MERRICK,	
THOMAS FLETCHER,	
A. S. ROBERTS,	
JAMES RONALDSON,	} ISAAC HAYS, Cor. Sec.

CLASS FIRST.

Containing details of cotton, woollen, silk, flax, hemp, paper, and other manufactories, together with dyeing, bleaching, and print works, paper hanging, rope making, blanket, carpet, oil cloth, hosiery, and umbrella factories.

1. Name and Designation of Manufactories, Workshops, &c.

2. Work Buildings. { Occupied.  
Unoccupied.

3. Tenements for Families.

4. Estimated value on the 1st January, 1832, of the real estate, buildings and fixtures, belonging to the establishment.

5. Estimated value of the machinery, tools, fire engines, and other apparatus in use, except fixtures.

6. Operatives. { over 14. { Males.  
Children under 14 years. { Females.



7. Institutions for their scientific and moral instruction.

8. Quantity and kinds of raw materials used in 1831, designating whether foreign or domestic.

9. Value of such raw materials in cash at the factory.	{ Foreign. Domestic. Uncertain.
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10. Kind and quantity of goods manufactured in 1831.

11. Cash value of the goods manufactured in 1831, estimated by the average prices in the nearest general market.

12 Hand looms and other power.

13. Operating Power.	{	Steam	{ Number.
		Engines.	{ Estm'd Pow'r.
		Water	{ Number.
		wheels.	{ Size & descr'n.

14. Mode of gearing from the moving power, whether by belts or cog wheels.

15. Kinds and quantity of fuel used per annum, and its cash value at the factory.

16. Estimated value of goods manufactured in families, in 1831, independent of those specified in the preceding columns.

17. Quantity and kinds of wool, woad, madder, teasels, and other raw materials used in manufacturing which are annually produced in the township.

18. Estimated value of the same.

19. Any other information which may be deemed valuable, please insert at the bottom of this sheet.

CLASS SECOND.

Containing details of iron and steel manufactories, iron ore banks, forges, furnaces, foundries, rolling mills, tilt hammers, machine shops, establishments for the making of steam engines, fire engines, stoves and grates, saws, screws, wire, nails, shovels and spades, edge tools, and cutlery in general.

CLASS THIRD.

Containing details of manufactories of copper, zinc, brass, tin, lead pewter, silver, gold, &c., together with bell and type foundries, shot towers, button factories, &c.

CLASS FOURTH.

Containing details of manufactories and handicrafts in wood, including those of ship, steam, and other boat builders, mast makers, &c.

CLASS FIFTH.

Containing details of tanneries, curriers' shops, glue, and neats foot oil works, morocco, parchment, saddle and harness manufactories, &c.

### CLASS SIXTH.

Containing details of chymical laboratories, sugar refineries, breweries, bakcries, distilleries, pot and pearl ashcries, soap manufactories, glass works, porcelain and earthenware potteries, fire brick and crucible manufactories, &c.

CLASS SEVENTH.

Containing details of salt works, lime kilns, marble, slate, and other stone quarries and work yards, together with mines of anthracite and other coal, lead, copper, black lead, and other minerals, metals, &c.

CLASS EIGHTH.

Containing details of flour and grist mills, saw mills, plaster mills, oil mills, bark mills, powder mills, tobacco, snuff, and segar factories, &c.

CLASS NINTH.

Handicrafts, such as hat, cap, and bonnet makers,

glovers, boot and shoe makers, tailors, comb and brush makers, blacksmiths, whitesmiths, gunsmiths, carpenters, cabinet makers, chair makers, wheelwrights, carriage makers, printers, engravers, lithographers, book binders, map and globe makers, mathematical, philosophical, and musical instrument makers, coopers, stove makers, tinplate workers, &c,

The attention of our readers is particularly invited to the following petition from citizens of the state of New York, to their legislature, praying for the incorporation of a company to construct a rail road from Elmira to the Pennsylvania state line. It contains much valuable information not heretofore known in this quarter.

*Lycoming Gaz.*

From the Elmira Republican.

WILLIAMSPORT AND ELMIRA RAIL ROAD.

To the honourable the legislature of the state of New York, in senate and assembly convened:

The subscribers, inhabitants of the county of Tioga, respectfully represent, that an improved public road from Elmira in said county, to Williamsport in the state of Pennsylvania, has, for several years past, been deemed by many, an object of interest and importance, and has attracted a share of attention from our national councils. Experience having demonstrated the eminent utility of rail roads, and satisfied the public mind of their superiority over all other known improvements, as well for inland transportation of heavy articles, as for facility, speed and safety of travelling, your petitioners are induced to apply to your honourable body to incorporate a company to construct a rail road on that part of the route which lies in this state: and your petitioners are satisfactorily assured, that a similar application will be made to the legislature of the state of Pennsylvania, at its present session, in order to effect the construction of that portion of the proposed road, which will be located in that state.

Under a full conviction of the benefits which would accrue from this contemplated improvement, not merely of local character, but as having intimate connexion with the general interests and commerce of the state, and as not unworthy of consideration, as of national concern, your petitioners desire respectfully to solicit the attention of your honourable body, to some of the advantages, which, from situation, it obviously presents.

Elmira is situated on the Chemung river, the western branch of the Susquehanna in this state, about eight miles from the north line of the state of Pennsylvania; being at the southern termination of the Chemung canal, seventy miles south from Montezuma, where this lateral branch, through the Seneca and Cayuga canal, connects with the great Erie canal. Williamsport is seventy-two miles nearly due south from Elmira, situated on the great West Branch in the state of Pennsylvania, forty miles north westerly from its confluence with the Susquehanna, at Northumberland. Limited eastwardly by the extensive curve of the Susquehanna, and embraced between its above mentioned western tributaries is a wide expanse of inland territory, generally well adapted to agriculture, rapidly advancing in improvement and population, and abounding in many places, with mines of coal and iron ore. This region must be supplied with salt and plaister from this state, brought principally through the Chemung canal; and every improvement which facilitates the transportation of these heavy and valuable articles will obviously increase their demand, by enlarging the sphere in which they can successfully meet competition from other sources. On our ordinary and imperfectly wrought roads, salt is now carried to Williamsport, and even as far south as Bellefonte, in Centre county, more than one hundred miles southwesterly from Elmira. Plaister also from the same place is distributed in considerable quantities along the intermediate country. Iron is now



manufactured at several places in this mineral region, and various kinds of castings and wrought, are now constantly transported from it into this state. In the county of Lycoming, forty miles south of Elmira, directly in the line of the proposed rail-road, inexhaustible coal mines commence, and continue, in many places, to and along the West Branch. Of all sources, which, at various times, have been suggested for procuring coal, to answer the wants, which, from failure of wood, will soon become imperious in many of the western parts of our state, these coal fields probably afford the best assurance of yielding, at a cheap rate, an ample and enduring supply. Were the road now proposed, to be constructed for the single purpose of conveying to our navigable channels, this indispensable fuel, for our growing villages and multiplying workshops, the day is probably not far distant when it would be deemed an undertaking, demanding earnest and united exertion for its accomplishment.

A slight observance of these facts must render it sufficiently apparent, that when the Chemung canal shall be completed, the proposed rail-road will at once open and facilitate an extensive and most valuable commercial intercourse, highly productive of the convenience and prosperity of our citizens, subservient in its consequences to the general interests and welfare of the state.

But the prospects of the contemplated road are not limited by benefits of a commercial character alone, however important. It has claims to consideration, of higher bearing and larger extent. It will form an interesting and essential link in a great chain of communication from the capital of our national republic to our northern frontier, connecting with other communications, to all the western parts of this state. From the city of Washington, by way of Baltimore, to Harrisburg, the capital of the state of Pennsylvania, thence to Williamsport, and continuing in almost a northerly course along the proposed road, the Chemung canal, Seneca Lake, and the Seneca and Cayuga canal, to the Erie canal at Montezuma, is a distance of less than three hundred and fifty miles. From Montezuma, by a distance of about twenty miles, partly by the way of the Erie canal, the navigable waters of Lake Ontario are reached at Sodus Bay, the best harbour on that lake. From Williamsport to the city of Washington, this great line of communication will soon be complete by canals and rail-roads.

The site of the contemplated road is unusually favourable for such a work; and in proof of this, as well as to introduce some just considerations in relation to its importance in a national point of view, your petitioners would respectfully refer to the report of Dr. WM. HOWARD, civil engineer, who, pursuant to a resolution of congress of December, 1828, examined a route for a national road, from the city of Washington, to our north-western frontier. The report states, "a cursory view of the country satisfied us, that the best route from Williamsport to the mouth of the Genesee river, Sodus Bay, or Oswego, must pass through Post Town or Elmira." In reference to the Post Town route, the report states, "from the inspection of the gradations, it will be seen how rough and hilly is the surface over which it passes." In relation to the Elmira route, the report continues, "by reference to the map and to the table of gradation, an idea may be formed of the remarkable line of valley, forming almost a continuous one, in a direct line between Williamsport and Elmira. There is fifty-three miles of this road that does not exceed one degree; thirteen miles over one degree and not exceeding two; and six miles over two and not exceeding three degrees." By combination and comparison of these different routes, it appears that for a road to terminate either at Sodus Bay, Oswego, or Sackett's Harbour, the best route would pass by Elmira, the head of Seneca Lake, and Geneva.

In respect to the national importance of this road, the

report contains the following pertinent remarks. "The importance of such a road as that now proposed, in a military point of view, is so strongly marked, that it will not be necessary to dwell upon it, but to point it out. It will afford a ready communication to the northern frontier, from the central part of Pennsylvania, from Maryland and the eastern portion of Virginia, giving facilities for the transportation not only of men, but also of many of the supplies and munitions of war, which are the productions of those three states. During the last war, the route by Painted Post was found necessary for this purpose and extensively used: and notwithstanding the badness of the roads, supplies of all kinds were carried at an expense, which, it is satisfactorily estimated, would have been sufficient, in a single campaign, to have defrayed the cost of the work." "As the means of transmitting intelligence with rapidity, the work is also of great importance in military operations, forming as it does, the nearest channel between the northern frontiers and the seat of government."

The committee on roads and canals, in the House of Representatives in congress, to whom the reports and surveys in relation to this northern route were referred, state in their report on that subject, that by the construction of this road, two important locations for military depôts would be established, one at Harrisburg and one at Elmira. Their report also states, "it is purposed to extend a navigable canal with a view to unite the Chemung river with the head of Seneca lake, which is already connected with the grand canal of New York. Elmira will possess three essential properties of a military depot; it will be sufficiently removed from danger to preserve it from sudden attack, while it will be equally convenient to the sources of its necessary supplies, and to the probable theatre of their future application, in any war which may occur with the only enemy the United States are likely to have to encounter on the land."

Although it has not been deemed the just policy of the general government to undertake the construction of this road, yet the information obtained from survey, and the views entertained in relation to its great utility and importance, are not the less applicable. Whether the cost of its construction be defrayed by the funds of the government, or of a joint stock company, its utility to the public will be much the same. It can be regarded as no doubtful evidence of the increasing importance of this route in the public estimation, that by a recent order of the post office department, the mails at the city of Washington and Baltimore, destined for western New York, are now directed by way of Harrisburg and Williamsport, and, on the range of this contemplated road, to Elmira. Forming, indeed, as this road evidently must, in an improved state, the most favourable, as well as the most direct route and eligible line of communication between the city of Washington, Baltimore and the greater part of the southern portion of our Union, and all the western parts of this state and our Canadian frontier, your petitioners are persuaded that it would soon become the thoroughfare for immense travel, augmenting the revenue to be derived from the road; and that it would greatly increase the public accommodation; expedite the transmission of mails, facilitate the intercourse, strengthen the ties and promote social feeling, between the inhabitants of different and distant sections of our common country.

Satisfied that the proposed work may be undertaken without hazard, that capital may be invested in it with safety and sure profit to individuals, and with consequences highly beneficial to the public, and that from its obvious commercial utility and national importance, it is, in the view of your petitioners, an improvement justly demanded from the enlightened and enterprising spirit of our age and people; your petitioners respectfully pray your honourable body to incorporate a company under the name of "THE ELMIRA AND WILLIAMS-



PORT RAIL ROAD COMPANY," with a capital of \$75,000; authorizing said company to construct that portion of said road to be located between the village of Elmira and the north line of the state of Pennsylvania, with such powers and privileges as, by your honourable body shall be deemed just and reasonable, and as in duty bound they will pray.

January, 1832.

# ANNUAL REPORT OF THE WATERING COMMITTEE.

*To the Select and Common Councils of the City of Philadelphia.*

The Watering Committee respectfully present, herewith, detailed statements of the accounts, for the year 1831, of the works under their care; together with an estimate for the year 1832. They also lay before Councils such explanations, as, they trust, will enable them and their constituents to understand the present state of the entire water establishment.

In order that the accounts of 1831, may be more distinctly comprehended, it may be useful to refer to those of 1830.

In 1830, the receipts from all sources amounted to \$60,036 82

And the payments were—

For Water Works,	\$35,660 84
To Sinking Fund,	14,000 00
To Tax Fund,	15,900 00
	<u>\$65,560 84</u>

So that there was placed to the credit of the Tax Fund, more than the income warranted,	5,524 02
	<u>\$ 65,560 84</u>

The accounts for 1831 show, as they ought to do, a balance in favour of the works, and not as in 1830, against them.

The receipts for 1831, were—

From Water revenue,	\$ 66,766 72
From loan under ordinance of April 14, 1831,	36,200 00
	<u>\$102,966 72</u>

The payments for 1831, were—

Balance due City Treasurer, on accounts of 1830,	\$ 5,524 02
For purposes of Water Works,	63,009 57
To Sinking Fund,	14,000 00
To Tax Fund, per ordinance of May 16, 1831,	5,830 80
	<u>88,364 39</u>

Leaving a balance for Water purposes of 1832,	\$ 14,602 33
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So that, to meet all the estimated demands for 1832, there will be wanted but	30,862 67
	<u>\$45,465 00</u>

From all which it must be apparent, that, in case the water revenue for 1832 shall equal that of 1831, of which there can be no doubt, there will be a balance in favour of the Works, for the year 1832, of \$35,904 05, equal, it is hoped, to all the needful expenditure for 1833; and thus the whole water revenue of 1833, may be applied to the extinguishment of debt, and the same process be thereafter continued.

That the progressive increase of water revenue, and the relative sources thereof, may be perceived, the Committee present such a statement, at present, as was made in the last report, namely:

The receipts for 1831, consisted of—

This sum obtained on loan,		\$ 36,200 00
Water Rents from City,	\$45,534 14	
Northern Liberties,	12,054 62	
Southwark,	5,948 67	
Spring Garden,	5,229 29	
	<u>66,766 72</u>	
		<u>\$102,966 72</u>

And that the nature of the expenditure may be understood this statement is presented:

Expenses of, or attending, distribution,	\$ 5,073 02	
Expenses at Fair Mount Works,	6,157 27	
Wheel and Pump,	4,699 62	
Iron Pipes,	34,693 80	
Expenses attending the application of the water power,	1,500 30	
Expended in constructing Reservoir No. 4,	6,692 31	
Incidental expenses,	982 00	
Salaries:—		
Frederick Graff,	\$2,000 00	
Samuel W. Rush,	1,000 00	
Samuel Currey,	211 25	
	<u>3,211 25</u>	
		<u>63,009 57</u>
		<u>\$39,957 15</u>

Of this balance, there were applied—

To pay balance of 1830, due City Treasury,	\$ 5,524 02
To Sinking Fund,	14,000 00
To Tax Fund,	5,830 80
	<u>25,354 82</u>
Leaving as heretofore stated, for water purposes for 1832,	14,602 33
	<u>\$39,957 15</u>

Estimate for 1831.—On reference to the Report made to Councils on the 8th of February, 1831, it will be seen, that the amount of the estimate for that year was,

\$ 70,665 87

Of this there was expended the sum of	\$ 63,009 57
There remains in Treasury, to finish wheel and pump,	7,800 38
	<u>70,809 95</u>

Showing an excess beyond estimate of \$144 08: It is, however, to be observed, that the balance would have been in favour of the works, or estimate, if demands had not arisen, of which no anticipation could have been formed, such as

For receiving the Boston Guards,	\$442 58
For laying 888 feet of Iron Pipes in streets ordered to be paved, excess,	888 00
For laying 242 feet of Iron Pipes, excess,	242 00
For excess of cost of 20,747 pounds of lead,	311 20
	<u>\$1,883 78</u>

Estimate for 1832.—The sum estimated to be necessary for the year 1832, for the objects detailed in the annexed estimate, is \$45,465 00. On reference to former estimates, the moderation of the present will be understood; for, it will be seen, that, in the present estimate for 1832, there are included items to the amount of \$23,565 00, for objects not embraced in former estimates, but for which provision was made by loans; consequently, the sum asked for 1832, for purposes embraced in former estimates, is only \$21,900 00.

Iron Pipes.—The remainder of the iron pipes, which were contracted for in 1830, were laid down during the year 1831; the extent of pipes estimated in the report of 1831, was 11,500 feet, but 11,742 feet have been laid, or 242 feet more than calculated upon.

In consequence of extending the iron pipes in Locust



street, from Thirteenth to Broad street, and in Juniper from Spruce to Walnut street, 3,888 feet of iron pipes have been laid in streets ordered to be paved, being 888 feet more than the extent estimated. The whole extent of the iron pipes laid in 1831, was 15,630 feet, nearly three miles, making the whole extent laid in the City nearly 44 miles.

*Wooden Pipes.*—There were laid in 1831, in repairs to wooden pipes, 1,131 feet, being 281 feet more than in 1830; from which it must be obvious, that although the extent of wooden pipes is annually diminished, by the introduction of iron pipes in their stead, the public streets cannot be kept in order until all the wooden pipes shall have been removed.

*The Dam.*—As some inquiry has been instituted in Councils in relation to the Fair Mount Dam, it gives the Committee pleasure to be able to state, that its condition is sound and safe; the planking and all the other repairs, deemed necessary to render the dam perfectly secure, have been completed, with the single exception of depositing an additional quantity of rubble stone backing, and that will be done as soon as the state of the weather shall permit; the cost for this object is embraced in the estimate.

*Reservoir No. 4.*—For this part of the works, 8650 yards of clay have been delivered: 5995 yards of earth have also been added to the embankments, and such other work has been done as to render this reservoir substantial, as far as it has been formed. In their last report, the Committee recommended, that one section of this reservoir should be completed in 1832; finding, however, that the reservoirs now in use are amply sufficient for the supply of water to the city and districts, they deem that undertaking unnecessary at present. Your Committee, having examined the embankments of this reservoir, since they were formed, are of opinion, that safety embankments will be necessary at some points, where the present embankments are too high. As these additional supports will add greatly to the solidity of the general structure, they are included in the annexed estimate.

*Wheel and Pump.*—These new appendages have not been completed at as early a day as was expected; this is owing to the difficulty of procuring suitable materials, and to the delay caused by making defective castings, which were condemned. The new wheel and pump will, in all probability, be in operation early in the ensuing spring, long before their additional aid will be needful for public purposes. There has been expended for this object, the sum of \$4699 62, and the sum of \$7800 38 is on hand for its completion.

*Garden Plot at Fair Mount.*—The wall for securing the bank of the Schuylkill, south of the engine building, has been finished, coped with stone, and fenced in a substantial manner. A great increase in the height and thickness of this wall became necessary, in consequence of the difficulty of finding rock bottom for a part of the foundation; the expense attendant, as well as the cost of filling up the low ground, east of the wall, and of forming a garden plot there, exhausted the sum estimated for those objects. For the completion of this part of the premises, under care of the Committee, including sodding, planting trees, forming gravel walks, and erecting a fountain, the sum embraced in the estimate will be requisite; and your Committee cannot doubt that it will be readily appropriated; heretofore, the ground between the bridge and the works has presented a sad contrast with the adjacent scenery; in future the entire property of the city will present uniformity in taste as well as utility.

*Main on the old Canal Bank.*—The 20 inch iron main, laid in 1820, was carried along the old canal bank, from John street to Schuylkill Second street, under an impression, that at a future day it would be opened as a public street, and that the main would not be disturbed; recently, however, the Columbia rail-road has been located north of the line of the old canal; and, besides, it is contemplated to grade the north and south streets,

passing over the line of the old canal, so as to adapt them to the level of Callowhill street and the rail-road; it becomes necessary, in consequence, to remove the main from its present position; to this end, application has been made to the Canal Commissioners of Pennsylvania, for permission to lay down the main for an extent of about 2200 feet, under and along the southern side of the state rail-road. Your Committee are happy to be able to state, that the Canal Commissioners have given a favourable answer, but as no precise time can now be fixed for removing the main, the cost is not embraced in the present estimate.

*The old Steam-Engine.*—Councils have heretofore authorized the Committee to offer these engines for sale, and they have been accordingly advertised—no offer, however, has been made; in the meantime, these articles are daily depreciating, nay, they are not now of much more value, beyond that of old iron. In no event could a part of them be at all used, and, were the remainder repaired, it must be at much cost, without any ability to answer public purposes; your Committee, therefore, are in favour of an early and absolute sale.

*The Districts.*—Contracts have been entered into with the newly incorporated part of Spring Garden, and with the Township of Moyamensing, for supplying those districts with water; with the former the contract has been formed, and the necessary instrument for the latter is in preparation. The district of Kensington has also applied to enter into a contract for a supply of water from the city fount, and your Committee have at all times been desirous to conclude an engagement, on the terms assented to by all the other districts, that is, to deliver the water at the city boundary. In the case of the Kensington district, however, a difficulty exists, such as did not arise in any former instance; the soil of all the other districts is bounded by the city soil, and therefore, as soon as the city delivered water at the boundary line, the adjoining district at once attached its pipes; between the city and Kensington, however, the district of the Northern Liberties intervenes, and the city has no right to carry through the soil of that district, pipes for supplying Kensington, so that the assent of the district of the Northern Liberties is necessary to enable her neighbour to partake of the contemplated benefit. It is to be regretted that no agreement between the districts has been made; citizens, separated by lines almost imaginary, and who prosper or pine as they severally thrive or suffer, have, after all, a common interest, and should seek to promote the comfort and convenience of each other; the city cannot control either; all that it can do is to act towards all with perfect impartiality.

*Damages.*—Of the appropriation for payment of damages, the sum of \$79 87 remains, no part having been called for since last report.

*The increase of Water Rents in 1831, was*

In the city,	\$2,767 25
Northern Liberties,	2,114 75
Southwark,	699 50
Spring Garden,	1,208 50
	<hr/> \$6,790 00

The Committee believe, that they have thus given all the information needful to a correct conception of the subject. In closing their report, they beg leave to call the attention of Councils, and of their fellow-citizens generally, to the interesting and lucid statistical history of the Water Works, for the last thirty-two years, that is, from the period of their first introduction, which is appended to this report. This useful and curious document has been prepared, with equal care and labour, by the respectable gentleman, whom it has been the good fortune of the city so long to have, as their skilful and assiduous superintendent: it is a document, not only valuable to ourselves at present, but calculated to be so, to those who shall succeed us, and even to inquirers after useful information, wherever may be their home. Respectfully submitted, Jan. 12, 1832.

W. J. DUANE, *Chairman.*



*A GENERAL VIEW of the leading particulars of the WATER WORKS, from their commencement, March, 1799, to December 31, 1831.*

Cost of first Steam Engine Works, commenced Mar. 1799, and for the support of the same up to 1803 included,

\$295,352 09

NO. 1.

1804. For the support of engines, distribution, &c. connected with the Works,

34,213 06

1805. do. 41,168 17

1806. do. and for the purchase of the lease of N. J. Roosevelt, amounting to \$15,886,

57,623 05

1807. do. 26,164 93

1808. do. 24,629 62

1809. do. 29,467 13

1810. do. 26,906 48

1811. do. 29,702 26

1812. do. 27,946 85

1813. do. 30,359 58

1814. do. 33,865 69

657,398 91

NO. 2.

1815. Steam works at Fair Mount begun Aug. 1812, and started Sept. 7, 1815,

183,289 62

1816. For the support of the Works, and payments of balances due for Works,

51,219 63

1817. do. do. 51,389 26

1818. do. do. for support of Works,

34,771 33

320,669 84

NO. 3.

1819. For the support of steam engines at Fair Mount, and on account of water-power works begun April 19, 1819, for iron main, iron pipes, &c.,

119,063 68

1820. do. do. 149,700 75

1821. do. do. 115,746 36

1822. do. started water-power works, 1st July, 1822,

106,517 82

1823. For working water-power works, building reservoir, and for payment of debts,

69,268 54

1824. do. and for laying iron pipes do.,

82,208 94

1825. do. do. 44,307 37

1826. do. do. 73,517 40

1827. do. do. 80,749 92

1828. do. do. 64,150 64

1829. do. do. 81,180 06

1830. do. do. 35,660 84

1831. do. do. 63,009 57

1,085,081 89

Cost of the Works from March 1799, to 31st December, 1831,

2,063,150 64

NO. 1.

Cost without support of engines, working do. and distribution,

295,352 09

No. 2.

Do., buildings, engines, reservoirs, &c. with working engines, \$200,700 51

Add two first purchases of ground,

33,334 00

234,034 51

No. 3.

Cost of the Works, including purchase of water-power at the falls, \$432,496 89

Add purchase of additional ground,

83,500 00

And for extra water-power purchased of Navigation Company,

26,000 00

541,996 89

Cost of ground purchased at Fair Mount, sum paid for damages for ground overflowed by the dam, for extra water-power, &c.

1812. For the first ground purchased at Fair Mount, 16,667 00

1815. For 2d purchase do. 16,667 00

1822. For the inlet to the fore-bay, ground on the margin of the river, 4,000 00

1824. For extra ground for reservoir No. 4, 12,000 00

1828. For the residue of ground between Coates's street and the Upper Ferry road, and between Fair Mount street and the Schuylkill, 67,500 00

116,834 00

For the purchase of the water-power, from White and Gillingham, 150,000 00

For the purchase of the extra water-power, from the Schuylkill Navigation Company, 26,000 00

Amount of damages paid for overflowing ground, &c. by the dam, 25,958 41

For the dam, locks, canal, fore-bay, and raising the dam 18 inches, 160,904 77

For mill buildings, three water wheels, breast-works, &c., 78,370 43

For pumps, Nos. 1, 2, and 3, and other fixtures, 12,373 43

For wheel, pump, and ascending main, No. 4, 12,589 42

On account, December 31, 1831, for wheel and pump, No. 5, 4,699 62

268,937 67

For reservoir No. 1, containing 3,917,659 gallons, 29,135 58

For do. No. 2, containing 3,296,434 gallons, 10,202 87

For do. No. 3, containing 2,707,295 gallons, 24,521 70



For account of No. 4, which will contain 10,000,000 gallons when finished,	20,069 01	83,929 16
For iron main No. 1, do. No. 2,	72,947 23 58,670 25	131,617 48
For iron pipes, and materi- als, laid in the city from 1820, to 31st December, 1831,		335,046 82
Cost of the above items, And for other purposes, working engines, distri- bution, salaries, inciden- tals, &c.,	1,138,323 54	924,827 10
Being the actual cost and expenses, including all the works, from March 1799, to 31st December, 1831,		2,063,150 64

Abstract of the number of feet of Iron Mains and Iron Pipes laid in the city, from the commencement, Oct. 1819, to December 31, 1831.

	<i>Feet.</i>
Laid in 1819 and 1820, main No. 1, of 22 inch pipes,	2,661
Do. of 20 inch pipes,	6,909
Together,	9,570
1821. Laid sundry pipes in the city,	8,475
1822. do.	16,035
1823. do.	14,993
1824. do.	20,500
1825. do.	11,394
1826. do.	27,496
1827. do.	41,044
1828. do.	23,285
1829. Laid iron main No. 2, of 20 inch pipes,	9,216
Do. of 16 inch pipes,	936
Together,	10,152
1829. Laid additional pipes in the city,	6,716
1830. do.	26,675
1831. do.	15,630

Together, 231,965  
The mains Nos. 1 and 2 required 19,722 feet, average \$6 63 per foot.  
Pipes laid in the city, 212,243 feet, average \$1 58 per foot.  
Together, 231,965 feet, being nearly 44 miles.

The main No. 1, laid in 1819 and 1820, cost per foot, \$7 42,	\$72,947 23
Do. No. 2, laid in 1829, do. \$5 78,	58,670 25
Together,	131,617 48
1820. The pipes laid in the city cost,	16,940 79
1821. do.	11,843 11
1822. do.	33,287 08
1823. do.	25,672 60
1824. do.	38,475 75
1825. do.	25,739 09
1826. do.	49,016 70
1827. do.	44,197 24
1828. do.	39,416 75
1829. do.	3,741 09
1830. Do. part of which to be paid for in 1831,	12,022 82

1831. do.	34,693 80
Together, cost,	335,046 82
	466,664 30

Account of Water Rents received in the city from the year 1802 included, up to December 31, 1831.

1802. Water rents received,	\$537 00
1803. do.	961 00
1804. do.	1,800 00
1805. do.	3,260 00
1806. do.	5,050 00
1807. do.	4,987 17
1808. do.	6,207 01
1809. do.	9,105 00
1810. do.	10,931 50
1811. do.	12,163 00
1812. do.	15,629 00
1813. do.	16,638 00
1814. do.	17,883 00
1815. do.	18,499 50
1816. do.	19,974 50
1817. do.	19,922 00
1818. do.	21,120 50
1819. do.	21,998 50
1820. do.	23,016 50
1821. do.	24,584 50
1822. do.	25,485 50
1823. do.	26,191 05
1824. do.	27,292 55
1825. do.	29,160 50
1826. do.	30,326 75
1827. do.	32,521 50
1828. do.	35,791 50
1829. do.	37,881 50
1830. do.	40,915 00
1831. do.	43,682 25
Together,	583,515 78

Statement of account of Water Rents of the City and Districts.

City rents from 1802, to De- ber 31st, 1831, both includ- ed,	\$583,515 78
Spring Garden District, from 1826, to 31st December, 1831, both inclusive,	\$17,602 04
Southwark, do. do.	20,902 00
Northern Liberties, do. do.	43,309 75
Together,	81,813 79
	\$665,329 57

#### WATER RENTS OF THE DISTRICTS.

##### DISTRICT OF SPRING GARDEN.

1826 and 1827,	\$ 916 50
1828,	2,071 00
1829,	3,461 54
1830,	4,972 25
1831,	6,180 75
Together,	17,602 04

Contract signed for a supply of water, to old district,  
26th April, 1826.

Ditto, 10th October, 1831; for ditto, for new district.

##### DISTRICT OF SOUTHWARK.

1826 and 1827,	\$ 724 75
1828,	2,555 75
1829,	5,019 00
1830,	5,951 50
1831,	6,651 00
Together,	20,902 00

Contract signed for a supply of water, 1st June, 1826.



DISTRICT OF NORTHERN LIBERTIES.

1826 and 1827,	\$ 1,540 75
1828,	5,751 50
1829,	10,352 75
1830,	11,775 00
1831,	13,889 75
	<hr/> 43,309 75

Contract signed for a supply of water, 6th June, 1826.

ACCOUNT OF IRON PIPES LAID IN THE DISTRICTS.

DISTRICT OF SPRING GARDEN.

	<i>Feet.</i>	<i>Fire Plugs.</i>
1826,	5,554	
1827,	8,448	
1828,	1,296	24
1829,	6,981	11
1830,	5,151	10
1831,	3,726	8
	<hr/> 31,156	<hr/> 53

DISTRICT OF SOUTHWARK.

1826,	3,394	
1827,	12,039	
1828,	10,799	58
1829,	6,052	11
1830,	2,726	5
1831,	2,978	7
	<hr/> 37,988	<hr/> 81

DISTRICT OF NORTHERN LIBERTIES.

1826,	3,882	
1827,	22,202	
1828,	12,209	75
1829,	9,793	19
1830,	6,023	25
1831,	1,551	4
	<hr/> 55,690	<hr/> 123

The Commissioners and inhabitants of the township of Moyamensing, closed contract for a supply of Schuylkill Water, 6th January, 1832.

From the Water Rent charges to the Districts, a deduction of 6 per cent. is allowed for collection and losses.

Memorandum of the various parts of the Works, &c.

1799. March, Mr. Latrobe commenced the first Water Works, by steam power.
1812. August 1, commenced the steam-power works at Fair Mount.
1815. Sept. 7, supplied the City from the steam works at Fair Mount.
1819. April 8, Councils agreed to build the water-power works at Fair Mount.
- April 19, commenced building the dam at Fair Mount works,
1821. April 28, laid the corner stone of mill buildings at Fair Mount.
- June 25, put in the last crib of the dam at Fair Mount.
- July 23, the water flowed over the dam at Fair Mount.
1822. Feb. 21, the great ice freshet, which raised 8 feet 11 inches above the combing of the dam at Fair Mount.
- July 1, began to supply the City with water from water wheel and pump No. 1.
- Sept. 14, do. do. No. 2.
- Oct. 25, stopped the steam works at Fair Mount.

1822. Dec. 24, started wheel and pump No. 3.
1827. Nov. 10, started wheel and pump No. 4.
1832. started wheel and pump No. 5.
- The dam at Fair Mount is 6 feet 6 inches above high tide in the Schuylkill.
- The mill buildings are 238 feet front, by 56 feet deep.

The water is raised from the dam into the Reservoirs, 96 feet perpendicular height.

- Pump No. 1, raises per 24 hours, into the Reservoir, when not impeded by the tides, 1,313,280 gallons of water.
- Pumps Nos. 2 and 3, do. do. each, 1,346,400, together, 2,692,800 do.
- Pump No. 4, 1,615,680 do.
- 5,621,760 gallons.

From which deduct one-fourth for impediments by the tides and freshets, 1,405,440

Leaves the four pumps competent to supply, per 24 hours, 4,216,320 gallons.

The average quantity of water required to supply the City and Districts, per 24 hours, during the year 1831, was about 2,000,000 gallons. In the summer months, when the streets were washed by means of the fire plugs, upwards of 3,000,000 gallons of water were consumed daily.

FREDERICK GRAFF,  
Superintendent of the Water Works.

STATEMENT,

Showing the increase of Water Rents in the City and Districts, for the year 1832.

Amount of increase, viz:—	
Spring Garden,	\$1,208 50
Southwark,	699 50
Northern Liberties,	2,114 75
	<hr/> 4,022 75
City,	2,767 25
	<hr/> Amount of increase, 6,790 00

An account, showing the amount of Water Rents due the City, by the Incorporated District of Spring Garden, for the year 1832, with an account of the number of Dwellings, &c., supplied with the Schuylkill Water, to the 31st of December, 1831.

4 Horses,	at \$ 1 50	6 00
1 Horse, &c.,	3 00	3 00
21 Tenements,	3 75	78 75
58 Baths,	4 50	261 00
1 Porter cellar,	5 25	5 25
21 Dwellings,	6 00	126 00
676 Dwellings, &c.,	7 50	5,070 00
1 Slaughter-house, &c.,	10 50	10 50
4 Dwellings, &c.,	11 25	45 00
5 Dwellings, &c.,	12 00	60 00
4 Factories, Soap, &c.,	15 00	60 00
2 Taverns, &c.,	22 50	45 00
1 Dwelling, &c.,	24 00	24 00
2 Factories, &c.,	30 00	60 00
1 Court, &c.,	48 50	48 50
2 Courts,	37 50	75 00
1 Steam mill,	40 00	40 00
1 Tannery,	57 00	57 00
1 Dwelling, &c.,	75 00	75 00
1 Steam mill,	30 75	30 75
		<hr/> 6,180 75



An account, showing the amount of Water Rents due the City, by the Incorporated District of Southwark, for the year 1832, with an account of the number of Dwellings, &c., supplied with the Schuylkill water, to the 31st of December, 1831.

1 Horse,	at \$ 1 50	1 50
3 Bake houses, &c.,	3 00	9 00
40 Tavern and licensed houses,	3 75	150 00
16 Baths,	4 50	72 00
1 Commissioners' Hall,	5 00	5 00
12 Dwellings with cisterns,	6 00	72 00
747 Dwellings,	7 50	5,602 50
1 Dwelling, &c.,	9 00	9 00
1 School-house, &c.,	10 00	10 00
13 Dwellings, &c.,	11 25	146 25
3 Hatteries, &c.,	12 00	36 00
1 Dwelling, tavern, &c.,	12 75	12 75
8 Hatteries, &c.,	15 00	120 00
1 Soap factory,	18 00	18 00
1 Steam engine,	20 00	20 00
3 Sugar refineries, &c.,	22 50	67 50
1 Livery stable,	25 00	25 00
1 Distillery,	27 00	27 00
1 Court, &c.,	30 00	30 00
1 Court,	37 50	37 50
1 Brewery,	45 00	45 00
1 Brewery,	60 00	60 00
1 Navy yard,	75 00	75 00
		6,651 00

An Account, showing the amount of Water Rents due the city, by the Incorporated District of the Northern Liberties, for the year 1832, also the number of dwellings, &c., supplied therein, with the Schuylkill water, to the 31st of December, 1831.

7 Horses,	at \$1 50	\$10 50
14 Wash pavements, &c.,	3 00	42 00
68 Tenements, &c.,	3 75	255 00
83 Baths,	4 50	373 50
2 Stands for horses, &c.,	5 00	10 00
72 Dwellings, &c.,	6 00	432 00
1360 Dwellings, &c.,	7 50	10,200 00
1 Stable,	8 00	8 00
5 Dwellings, &c.,	9 00	45 00
5 Factories, &c.,	10 00	50 00
28 Dwellings, &c.,	11 25	315 00
20 Curriers, hatters, &c.,	12 00	240 00
31 Curriers, morocco factories, &c.,	15 00	465 00
1 Court,	18 00	18 00
6 Taverns with stables,	18 75	112 50
1 Brewery, &c.,	19 50	19 50
2 Soap factories, &c.,	20 00	40 00
2 Taverns with stables,	21 00	42 00
15 Taverns with stables,	22 50	337 50
5 Morocco factories, &c.,	25 00	125 00
9 Soap factories,	30 00	270 00
1 Brewery,	33 00	33 00
6 Stables, with taverns,	33 75	202 50
1 Morocco factory,	37 50	37 50
2 Tanneries,	52 50	105 00
1 Brewery,	75 00	75 00
1 Dwelling, &c.,	12 75	12 75
1 Stable,	13 50	13 50
		\$13,889 75

Dwellings, Manufactories, and Institutions, supplied with the Schuylkill water, in the Southern District of the city, to the 31st of December, 1831.

14 Horses, &c.,	at \$1 00	14 00
38 Wash pavements, &c.,	2 00	76 00
39 Tenements, &c.,	2 50	97 50
542 Baths,	3 00	1,626 00
1 Tavern,	3 75	3 75

6 Stables, &c.,	4 00	24 00
3055 Dwellings, &c.,	5 00	15,275 00
6 Dwellings, &c.,	6 00	36 00
115 Dwellings in the county, &c.,	7 50	862 50
91 Hatteries, &c.,	8 00	728 00
5 Dwellings, &c.,	9 00	45 00
55 Dyers, &c.,	10 00	550 00
2 Dwellings, &c.,	11 25	22 50
2 Soap boilers, &c.,	12 00	24 00
3 Dwellings, &c.,	12 50	37 50
15 Distilleries, &c.,	15 00	225 00
3 Hatteries, &c.,	16 00	48 00
1 Court,	18 00	18 00
9 Taverns,	20 00	180 00
1 Court,	22 50	22 50
6 Sugar houses, &c.,	25 00	150 00
1 Steam engine,	27 50	27 50
4 Stables, &c.,	30 00	120 00
2 Mansion houses, &c.,	34 00	68 00
1 Morocco factory,	35 00	35 00
1 Steam engine,	36 00	36 00
3 Baths, &c.,	40 00	120 00
1 Marble yard, &c.,	11 00	11 00
3 Hospitals, &c.,	50 00	150 00
2 Manufactories, &c.,	75 00	150 00
1 Deaf and Dumb Institution,	60 00	60 00
1 Alms house,	100 00	100 00
1 Bath house,	400 00	400 00
1 Court, &c.,	33 00	33 00
1 Bath,	4 50	4 50
1 Dwelling, &c.,	13 00	13 00

\$21,393 25

Dwellings, Manufactories, and Institutions, supplied with the Schuylkill water, in the Northern District of the city, to the 31st of December, 1831.

20 Horses,	at \$1 00	20 00
27 Wash pavements, &c.,	2 00	54 00
63 Tenements, &c.,	2 50	157 50
450 Baths,	3 00	1,350 00
2 Taverns,	3 75	7 50
1 Tavern, &c.,	13 00	13 00
24 Baths,	4 50	108 00
2904 Dwellings,	5 00	14,520 00
3 Dwellings, &c.,	6 00	18 00
2 Dwellings, &c.,	6 50	13 00
181 Dwellings, &c.,	7 50	1,357 50
82 Printing offices, &c. &c.,	8 00	656 00
9 Dwellings, &c.,	9 00	81 00
65 Dyers, &c.,	10 00	650 00
12 Soap boilers,	12 00	144 00
5 Dwellings, &c.,	12 50	62 50
35 Distilleries, &c.,	15 00	525 00
4 Hatteries, &c.,	16 00	64 00
1 Stable,	17 00	17 00
1 Court, &c.,	17 50	17 50
2 Taverns, &c.,	18 00	36 00
20 Courts, &c.,	20 00	400 00
11 Sugar houses, &c. &c.,	25 00	275 00
1 Tavern, &c.,	29 50	29 50
8 Stables, &c.,	30 00	240 00
1 Court,	33 00	33 00
5 Baths, &c. &c.,	40 00	200 00
2 Courts, &c., making,	73 50	73 50
1 Brewery, &c. &c.,	44 00	44 00
2 Courts, &c. &c.,	45 00	90 00
3 Stables, &c.,	50 00	150 00
2 Breweries,	75 00	150 00
1 Manufactory,	112 50	112 50
1 Bath,	80 00	80 00
1 Distillery,	100 00	100 00
1 Sugar house,	335 00	335 00
3 Morocco factories,	35 00	105 00

\$22,289 00



PITTSBURG, Jan. 25.

RIVER—10 feet above low-water mark, and free from ice—several arrivals and departures of steamers since our last.

#### MONONGAHELA BRIDGE DESTROYED.

On Saturday last, about 9 o'clock, A. M. the first pier of the Monongahela Bridge gave way, and precipitated the superstructure, comprising a space of two arches, into the river. Fortunately, though hundreds cross this bridge every Saturday morning, going to and returning from Market, no lives were lost. There were on that part of the bridge which fell down, a man and a boy attending a returning coal wagon, belonging to Mr. Jacob Beltzhoover, and another boy. They, of course, descended with the falling mass, but were extricated from the ruins without sustaining the least injury! Four out of the five horses attached to the wagon were saved.

The bridge was erected in 1818, at a cost of \$140,000; of course this accident will be a serious matter to the stockholders. It has not yet been determined, we learn, whether to repair the bridge or build a new one.—*Allegheny Democrat*.

From the Wyoming Herald.

#### BREAKING UP OF THE SUSQUEHANNA.

DESTRUCTION OF PROPERTY.—On the morning of Friday last, the ice broke up in the Susquehanna, at and above this place, whilst, unfortunately, from the Nanticoke Dam up to within a few miles of here, it remained solid and immovable. The consequence was, the progress of the ice from above was arrested by the ice below; and the channel of the river becoming in a measure obstructed, the water rose with rapidity—overflowed the banks—and inundated the greater portion of the Kingston, Plymouth, Wilkesbarre and Hanover Flats; doing them serious injury, besides sweeping off bridges, fences, a large quantity of lumber, &c.

Sometime in the evening, the ice in the Nanticoke Pool gave way and passed over the dam—when that beautiful structure, the “Wilkesbarre Bridge,” received extensive injury, from the immense body of ice which had lodged above it during the day, and which now rushed down with irresistible power. About one-third of the first pier (which stands in the main current of the river) was carried away, and the upper side of the bridge at that place has settled a little. Prompt measures have been taken, however, to support it where it is—and unless we should have another ice freshet the present season, as formidable as the one we are noticing, we apprehend it will sustain no further damage. The ice-breaker attached to the middle pier was also carried away, and the pier itself somewhat injured.

At the time the water was highest, it ran into one or two shops on Bank Street, in this borough,—and was a number of feet deep on the lower floor of several dwellings on the opposite side of the river;—their occupants, however, had taken the precaution to cross over to the borough, with their families and live stock, ere the flood had attained so great a height.

We have heard of several “hair-breadth escapes,” but are happy to say that no lives were lost. Three men who were crossing the Kingston Flats, were completely surrounded by the flood before they were aware of their danger, and were compelled to climb the nearest trees for safety,—where they remained till eight o'clock at night, it being impossible for assistance to reach them sooner.

Among the bridges that were destroyed or seriously damaged, are the two on the main road leading from this place to Kingston.

Some portions of the low lands are covered with ice, and the roads in some places are almost impassable.

We learn that the Nanticoke Dam received but little injury.

#### FRESHET.

There was a partial breaking up of the ice on French creek, by the freshet of last week, and we regret to learn that several valuable bridges and dams, have been entirely swept off, and others materially damaged. One half of the toll bridge at Franklin, and the dams at the iron works of Messrs. M'Calmont and Hays, have been carried off. The bridge at Magoffin's Falls, near Dickson's mill has shared the same fate—the one at Bemus's mill has been injured, and is expected to go with the next rise of the water. The various damages sustained, may be estimated at little short of \$20,000.

These serious losses should, and doubtless will, awaken individual and public attention to increased precaution, in the selection of sites, and to the adoption of every practicable means of securing the bridges which may hereafter be erected, against disasters from the same cause. French creek is somewhat remarkable for its alternate stretches of pools and rapids. Past observation has lead us to the conclusion, that the safest position for the erection of a bridge on this stream, is first, in a pool—and secondly, as near as practicable, at the head, but never, if it can be avoided, at the foot of a rapid. Every ordinary observer must have noticed that the ice invariably gives way first on the rapids, and is precipitated on that of the pool next below, where, if the power of the ice is sufficient, it is held, and if not forced forward by the increased power of the current, it is gradually weakened and dissipated by the influence of the sun and the atmosphere, and then usually passes off with greatly diminished power of doing injury. Hence it follows that the foot of a rapid especially where it is long, should never be selected, in our northern region, as a safe position. The bridge at the “Dead Water,” and those which have been erected at “Magoffin's Falls,” are strongly illustrative of the correctness of this position. The former stood more than 17 years, with no other supports than wooden posts, altogether free from injury by ice—whereas two well constructed bridges, erected at the latter point, with substantial stone abutments and a pier, have been destroyed by the ice within a very short time. It may be safely assumed that nothing but the fortunate interposition and resistance presented by the ice on Bemus's dam, in arresting the masses from above, prevented the destruction last week, of all the bridges over French creek in the vicinity of this place. Deeming it a matter of importance, we have thrown out these brief and hasty reflections, with the view of attracting the attention of those, who from their more enlarged observation and experience, are more competent to advise on the subject.—*Crawford Messenger*—January 28.

BEAVER, (Penn.) February 3, 1832.

THE MOHAWK.—About two weeks since, the new steamboat, Mohawk, was launched from the ship yard of Messrs. Phillips and Graham, opposite this place. She will carry near seven hundred tons, and is the largest boat on the western waters. She is intended for the Mississippi trade. Last week she was towed to Pittsburgh by two steamboats to receive her engine. It is stated that the cost of this boat will be rising \$30,000.

On Sunday last, snow fell to the depth of 6 or 8 inches, and for the last three days our town has been enlivened by visits from the citizens of Marietta, Lancaster, and other neighboring towns; while our own inhabitants, ever watching for enjoyment, have not left unimproved the pleasing and enticing path to mirth.—*Columbia Spy*.—Feb. 2.

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# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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## EASTERN DIVISION.

REPORT OF JOHN BARBER, SUPERINTENDENT.

*To the Canal Commissioners:*

GENTLEMEN—In accordance with the request of your board, contained in the communication of the secretary of the 22d October ult., the following report of the works committed to my care on the eastern division of the Pennsylvania canal, is respectfully submitted.

That part of the eastern division extending from the outlet lock on Duncan's Island to the mouth of Swatara river, having been placed under the special charge of a supervisor, and no new work necessary to be constructed during the past year, my attention has been, for the most part, withdrawn from it. My own observation of it, however, allows me to say, that it has been in navigable use, with little or no interruption, since the period of making my last report, and the opinion then expressed of its affording a navigation as permanent and effective as any similar work in the state, has been entirely confirmed.

By a resolution of the board of 28th December 1830, I was instructed to enter into contract with some suitable person for the immediate repair of the bridge at Duncan's Island, under the direction and superintendence of an engineer appointed for that purpose. This was done on the 12th of February following, and the contract submitted for your approval in March last. An estimate, amounting to \$1,020, for work done and value of materials delivered under the contract, was returned to me in June last, which the accounting officer at Harrisburg has declined to settle, under the impression, that, as a supervisor had been appointed on that part of the division, the payment of this estimate did not properly come within the province of the superintendent. In consequence of which, it was handed over to Mr. McAlister for adjustment, and, as I have since learned, yet remains unsettled. It will be proper for the board, therefore, under these circumstances to prescribe the manner by which this estimate will become payable. For the particular condition of this bridge at this time, and for other information relative to this part of the division, I beg leave to refer you to the report of Mr. Warford, principal engineer on the division.

The following abstract will show the amount of moneys drawn from the treasury and disbursed on this portion of the line:

O. H. Dibble, balance due and per cent- age retained on section No. 1,	\$2,610 10
W. W. Pennell, for the construction of four small bridges,	100 00
Byrne and Provost, balance on Stoney creek aqueduct, paid by resolution of the board,	273 90
Peter Miller, balance on fencing, paid by direction of the board,	290 00
Evans, Moore & Co. } balance on con- Ritner, Byers & Co. } struction of dam at Duncan's Island,	10,462 10
Damages paid,	3,829 00
Engineering expenses, &c.,	1,970 06
	\$19,535 16

## COLUMBIA LINE.

On the ten miles authorized to be placed under contract in March, 1828, the whole of the work which was in progress at the time of my last report has been completed, and, with but two exceptions, settled agreeably to the requisitions of the contracts. Five per cent. of the cost of stone work of the several locks, amounting to \$1,564, authorized by the contracts to be withheld until the work shall have been "proven by water to be well and faithfully executed, and every part done completely and perfectly," has been retained from the final estimates. The injury sustained by several of the wall sections, and by the cu'vert on section No. 35, from the high freshet in the spring, has been repaired. The puddling on sections Nos. 35 and 36, is progressing rapidly, and when the contract shall have been finished, there is not a doubt but these sections will be perfectly tight. Of the remaining work on this ten miles, not under contract in November last, the whole is being executed, and will be completed early in the spring.

The ascertained cost of the syphon culvert at Halde-  
man's saw-mill, when completed, including the necessary expense of continuing the trunk of the aqueduct and platform of the bridge connected with it, will be found considerably to exceed the original estimate in amount. This is attributable to the variation of the plan—the original estimate being intended to cover the expense of a wooden culvert. To secure to Mr. Halde-  
men the entire and uninterrupted use of the valuable water-power which he has, at great expense, there created, and wholly to destroy all apprehensions of even the remotest obstruction to the navigation of the canal at this point, a structure combining greater strength and durability was deemed necessary. That, now being constructed, is about 60 feet in length, eleven feet six inches in width, and five feet three inches in depth, and built of rubble masonry lined with cut stone—the face being laid in cement and backed with good lime and sand mortar, with timber top and bottom, secured by iron rods. Wooden trunks convey the water to and from the culvert. In excellence of materials, skill and faithfulness of execution, and durability of plan of construction, this work will vie with any mechanical work in the state. It is now nearly completed.

The estimated amount, as contained in the report of the engineer, which will be required to complete the work under contract, including a waste-wier, six water-ways, and a foot bridge on section No. 9, is \$23,718 02. Add to this, amounts due and per centage retained, \$2,460 46; making the sum to be yet expended on this part of the line, \$26,178 48.

The whole amount drawn from the treasury and paid on the ten miles to the 25th Nov. 1831, is \$76,375 71—three hundred dollars of which is from the damage and repair fund, and has been applied to the payment of an offer of \$100, made by the board to Evan Green, for damages sustained by him, and of \$200, an amount authorized to be paid to Israel Cooper, by contract, for the removal of a building on section No. 36: of the above sum of \$76,375 71—\$21,171 52 have been paid on balances and retained per centage due upon work done prior to the 21st December, 1830, and remained unpaid for want of funds. It has not been deemed necessary to detail in my tabular statement to whom the



money has been paid. The account has been settled at the auditing department.

By authority of the second section of the act of 21st March last, the remainder of the work on this line, being eight miles and seventy-one hundredths in length, was allotted for execution on the 18th of May last, and contracts immediately entered into for the prompt and vigorous prosecution of the same, with the view of the entire completion of the whole line before the first of December, 1831. However vain and improbable this measure might have been generally considered, from the magnitude of some part of the work, the advanced state of the season and consequent shortness of time allotted for its execution, together with the unexampled amount of work offered to contractors in this and the neighbouring states, yet am I strengthened in the belief that this desirable issue would have been effected, had not other unexpected and insuperable obstacles intervened. One of the most prominent features on this line is the large aqueduct over the Swatara river, having a superstructure of three hundred feet in length, supported by four piers and two abutments. Connected with this, and resting upon the same piers, is a travelling bridge, twenty feet in width. The whole work, when finished, will contain more than three thousand five hundred perches of masonry. The contractors entered upon their labours with a promptitude and energy which gave earnest expectation of the accomplishment of this work within the period specified. The difficulty and even impossibility in procuring the necessary timber in season, the alteration in the plan after a part of the work had been done, the continued and unusual high waters during the summer which prevented the foundations of the piers from being laid, and the severe sickness which prevailed among the workmen employed upon it during the latter part of the summer and through the autumnal months, completely paralyzed their utmost efforts, and disappointed the confident hopes of success entertained in the commencement of the work. The abutments are nearly completed, the foundations of two piers have been laid, and much of the framing of the superstructure is done. The foundations of the other piers will be laid during the winter, and all the materials prepared to make an efficient spring attack, and with unqualified confidence I assert that the water may be passed through in June next.

The pit of lock No. 6, has been excavated, and the foundation will be put down immediately. A great part of the materials for this lock are upon the ground, and the remainders will be delivered during the winter, so that this work can be completed in six weeks after the weather in the spring will admit of masonry being done. So much of the stone work of lock No. 7 has been laid, that it can be completed in two weeks after the mild weather opens. The contractors for building the outlet locks at Columbia, are steadily progressing with their work, and give assurance that the fulfilment of their contract will be made before the first of July next. No delay to the navigation will result from the incompleteness of these locks, contemporary with the completion of the other work. The masonry of most of the road and farm bridges is done, and the rest (the whole being built of dry rubble work) can be put up through the winter. Six sections have been completed, and seven others can be finished in two or three weeks. The very wet season, and great sickness of the line, with the scarcity of labourers, have severely resulted to the disadvantage of contractors, and retarded their operations. A full and active force will be engaged henceforth, and the completion of every section ensured before the first of April next. Section No. 12, on which no estimate has yet been made, and sections Nos. 9, 11 and 15, which were deserted by the original contractors, are now in the hands of steady and enterprising men, who will prosecute them to completion within the shortest practicable period.

The amount expended on this part of the line is as follows:

Paid on Sections,	\$22,312 44
“ Mechanical work,	12,831 00
“ Fencing,	295 09
“ Engineering, &c.	2,053 54
	<hr/> \$37,491 98

Amount from damage and repair fund, expended in the payment of damage contracts,	137 50
--	--------

Whole amount expended on the line, \$37,628 98

The estimated amount which will be required to complete the eight miles and 71 hundredths, agreeably to the report of the engineer, will be, on work contracted for:

On Sections,	\$21,887 29
Per centage retained,	3,911 62
	<hr/> 25,798 91
Mechanical work,	55,131 25
Per centage retained,	2,315 17
	<hr/> 57,446 42
	<hr/> \$83,245 33

To this add contingencies, and amount of work estimated, not under contract,	14,983 25
	<hr/> \$98,228 58

Abstract of moneys paid during the present year, up to the 25th November, upon the 10 miles of canal of the old part of the line, as per table A, to wit:

On Sections,	\$19,563 91
Locks,	5,899 01
Aqueducts,	14,875 06
Bridges and waste-wier,	2,042 17
Lock houses,	358 00
Fencing,	363 81
Miscellaneous,	9,974 04
Engineering,	2,128 19
	<hr/> \$55,204 19

In addition to the above disbursements, the further sum of \$21,171 52 was paid upon balances and retained per centage upon final estimates of the former year,	21,171 52
	<hr/> \$76,375 71

List of damage cases settled on offers of the board made and accepted, from the 25th Nov. 1830, to the 25th Nov. 1831, by John Barber, superintendent of eastern division, Pennsylvania canal:

John Wanner,	\$150
Matthias Flaurs' heirs,	120
Christian Kaufman,	50
Evan Green,	100

List of damage cases settled upon award of appraisers appointed in conformity with the sixth section of the act of 6th April, 1830:

Robert Clark,	\$2100
James Forster,	143
Christiana Eagle,	158
P. Wenrich's heirs,	120
Mich'l. Kapp's heirs,	156
Hise & Lauman,	55
John Lindemuth,	181
Jacob Updegrove,	233

For more detailed information you are referred to the tabular statements, and to the report of the engineer attached hereto.

All which is respectfully submitted.

JOHN BARBER,  
Superintendent.

Canal Office, Eastern Division, }  
Nov. 25, 1831. }



## REPORT OF A. B. WARFORD, ENGINEER.

Eastern Division Penn'a. Canal, }  
Nov. 24, 1831.

To JOHN BARBER, Esq.

*Superintendent Eastern Division Penn'a. Canal.*

SIR—That part of the eastern division of the Pennsylvania canal, extending from Clark's ferry to Middletown, has been, since it came under my direction, and as I have been credibly informed, was, from the 22d of March to that period, in navigable order. But few repairs are required on this part of the division, except at the bridge across the Susquehanna river at Clark's ferry, which will require extensive repairs to render it a substantial and permanent work. It is believed, however, that by the repairs now in progress, it will be straightened and strengthened to such an extent, that it will answer the intended purpose for a considerable time, at an expenditure not exceeding three thousand five hundred dollars. The work upon the remainder of the division, and particularly that part which was placed under contract the present year, has not progressed with as much rapidity as was desirable; and less has been done than was confidently anticipated in the early part of the season. Many causes have combined to retard the progress of the work. The scarcity of laborers, together with a very sickly season, by reason of which the effective force of what men could be procured was diminished, has had, in no small degree, a retarding influence upon the works. An unusually wet season, and consequent high water, has been the means of limiting the efforts of some contractors, and has in some degree operated to the disadvantage of all. Section No. 1, has been reported completed. Sections 7, 16, 17, 18 and 19, have been completed since the last estimate. Sections 4, 5, 8, 20, 21, C, B and A, may be completed in three weeks. The remainder of the sections, together with the bridges, culverts, waste-weirs and water-ways, will be completed early in the spring; and the locks, aqueduct, and every other part of the work connected with the eastern division, may be so far completed that the water may be admitted in June next. That part of the eastern division, which was placed under contract in pursuance of the act of the 21st of March last, is 871.100 miles in length, and the works connected with it of the following dimensions: The aqueduct across the Swatara is 300 feet long and 18 feet wide. Locks No. 6 and 7, are each 8 feet lift, and 90 by 17 feet in the chamber. The outlet locks at Columbia are each 10 feet lift, and 100 by 17½ feet in the chamber. The road bridges are 20 feet wide, and 48 feet in length, except the one at Walnut street in Marietta, which will be in length 76 feet. The farm bridges are 12 feet wide, and 48 feet long, except those on sections 10, 12, and C, which are 50 feet long. The towing path bridge at Middletown is 57 feet long and 10 feet wide. Culvert on section 13, 4 feet span; waste-weirs 60 feet long, and water-ways 8 feet wide. This part of the division is estimated to cost \$133,804 52, as will appear in detail by referring to the accompanying estimate. This amount exceeds the cost, as reported by Mr. Gay, \$18,763 46; but if the cost of the outlet locks at Columbia be deducted, which appears not to have been contemplated in that report, it will be found to fall within his estimate. The amount of work estimated to have been done, on the 15th inst. was \$41,992 03, which left the value of the work remaining to be done, \$91,812 49; to which, if there is added \$23,718 02, the amount estimated to complete the work authorized prior to the 21st of March last, it will make \$115,530 50, the total amount required to complete the eastern division, and is believed to be sufficiently large to meet every exigency.

Included in the estimated cost of the aqueduct over the Swatara, is \$7200 for altering the plan, after the works were put under contract. This was done from the belief that the work, if executed agreeably to the

plan then proposed, would be insufficient to sustain the necessary weight of water, and with a view to give it that stability which the structure required.

All which is respectfully submitted.

A. B. WARFORD, Engineer.

## ESTIMATE OF THE COST OF WORK.

Estimated cost of that part of the eastern division of the Pennsylvania canal, authorized by the act of 21st March, 1831.

## Sections.

No. 1.—Daniel Dougherty, contractor,	\$1031 44
No. 2.—Peacock and Miller, contractors,	1020 52
No. 3.—Peacock and Miller, contractors,	1356 60
No. 4.—Bernard Fitzsimmons, contractor,	1715 52
No. 5.—John Darning, contractor,	1719 44
No. 6.—Neal and Hughes, contractors,	877 77
No. 7.—John Kelley, contractor,	1923 50
No. 8.—Lathrop, Wilber & Treat, contractors,	626 31
No. 9.—Jeremiah Kirk, contractor,	1615 48
No. 10.—John C. Lessig, contractor,	993 20
No. 11.—John Murry, contractor,	1377 61
No. 12.—James Eagan, contractor,	1417 25
No. 13.—Lathrop, Wilber & Treat, contractors,	1958 05
No. 14.—M'Lean and Harkins, contractors,	2728 95
No. 15.—Edward Milligan, contractor, including work estimated to Edward Fabrigue, contractor,	2482 16
No. 16.—John and Felix Murry, contractors,	2070 04
No. 17.—John and Felix Murry, contractors,	1087 28
No. 18.—Eagan, Dougherty & Hopkins, contractors,	2047 90
No. 19.—George Blattenberger, contractor,	3378 29
No. 20.—John Dougherty, contractor,	1831 00
No. 21.—Michael Burke, contractor,	6849 30
C.—Jeremiah Kirk, contractor,	1947 82
B.—Patrick Carson, contractor,	3099 84
A.—Herman Sutton, contractor,	2785 78
Lock No. 7.—Ehle and Hodge, contractors,	6839 00
No. 6.—Ehle and Hodge, contractors,	6627 50
Outlet Lock at Columbia.—Guilford, M'Culough & Anderson, contractors,	20,023 25
Culvert on Section 13.—Not under contract,	456 25
Aqueduct at Swatara.—John and Nathaniel Evans, contractors,	19,770 00
Road Bridge, No. 1.—A. P. and C. Provost, contractors,	492 00
No. 2.—A. P. and C. Provost, contractors,	574 60
No. 3.—Harris and Fleury, contractors,	659 50
No. 4.—Contract forfeited,	629 00
Extra Bridge at Marietta.—Samuel Hopkins & Co., contractors,	1284 60
Road Bridge, No. 6.—Boyer and Jenkins, contractors,	745 66
No. 7.—Boyer and Jenkins, contractors,	898 31
Farm Bridge, No. 1.—A. P. and C. Provost, contractors,	626 80
No. 2.—Harris and Fleury, contractors,	705 00
No. 4.—Kauffelt, Herr & Co., contractors,	517 50
No. 5.—Kauffelt, Herr & Co., contractors,	563 50
Farm Bridge on Section No. 10.—Richard and Thomas English, contractors,	510 50
Farm Bridge, No. 6.—Kauffelt, Herr & Co., contractors,	517 50
Farm Bridge on Section 12.—Foreman and M'Neal, contractors,	542 50
Farm Bridge, No. 7.—Wilber and Treat, contractors,	1002 75
No. 8.—Wilber and Treat, contractors,	500 25



Farm Bridge, No. 9.—Richard and Thomas English, contractors,	741 00
No. 10.—Richard and Thomas English, contractors,	671 90
No. 11.—Richard and Thomas English, contractors,	529 30
No. 12.—John Cameron, contractor,	506 50
No. 13.—John Cameron, contractor,	1261 00
Farm Bridge on Section C.—Breneman and Crawford, contractors,	567 85
Towing Path Bridge at Middletown,	1001 75
Two waste-wiers, not under contract, at \$375,	750 00
Two water-ways, not under contract, at \$500,	1000 00
Houses at Locks No. 6 and 7.—Jones and Balsley, contractors,	347 00
Houses at outlet Lock.—Not under contract,	400 00
5020 rods fence, at \$1 20,	6024 00
Removing on Sections 3 and 4.—Saml. Hopkins, contractor,	275 00
Removing Building on Section No. 2.—Saml. Zink, contractor,	12 50
Removing Building on Section No. 15.—Edward Fabrigues, contractor,	50 00
Removing Building on Section 17.—John White, contractor,	125 00
Removing Building on Section 19.—Jno. B. Haldeman, contractor,	100 00
Removing Building at Swatara.—John Storm, contractor,	70 00
Removing Building on Section C.—Daniel May, contractor,	75 00
Contingencies,	6700 00
Total cost,	\$133,804 52
Amount of work estimated to have been done, November 15th, 1831,	41,992 03
Amount required to finish the work,	\$91,812 49
Estimated cost of completing that part of the eastern division of the Pennsylvania canal, authorized previous to the 21st of March, 1831.	
Puddling Section No. 35.—Robt. W. Houston & Co., contractors,	\$4937 25
Puddling Section No. 36.—Robt. W. Houston & Co., contractors,	7141 91
Lock No. 1,	1000 00
Road Bridge, No. 5.—Boyer and Jenkins, contractors,	508 36
Road Bridge on Section No. 36.—Samuel Hopkins, contractor,	425 00
Foot Bridge,	200 00
Culvert at Haldeman's Mill.—Alexander Provost & Co.,	2337 50
Houses at Locks 1, 2, 3, 4, 5 and 8.—Jones and Balsley, contractors,	1662 00
One waste-wier,	350 00
Six water-ways, \$500 each,	3000 00
Contingencies,	2156 00
Amount required to complete the works,	\$23,718 02

#### REPORT ON AGRICULTURE, &c. TO THE LEGISLATURE.

Mr. Drumheller, from the committee on agriculture and domestic manufactures made the following report, viz:

The committee on agriculture and domestic manufactures, to whom was referred so much of the Governor's message, as relates to the culture of the vine and the Mulberry tree, together with the subject of encouraging

the formation of societies for the promotion of agriculture, and also, so much as relates to manufactures,

#### REPORT:

That they approach the subject with a deep sense of its importance, and aware of the necessity of caution and circumspection, in regard to any measure which may exercise an extensive and lasting influence on the state of society, and the social relations of life, it is with diffidence we offer the following suggestions. No community can become numerous, intelligent, prosperous, or happy, without plentiful supplies of the necessities and comforts of life, and these can only be furnished where agriculture and manufactures are in a flourishing condition. Hence, the prosperity of these sources of national wealth, is a necessary preliminary to all other improvements in the condition of the body of the people. It is therefore among the most imperative duties of the government, to foster and encourage them, by the judicious application of such means as the constitution has placed at its disposal. The extensive system of internal improvement in which we are now engaged, has for its primary object the increase of productive power; and it will readily be conceded, that it is the most effectual means of accomplishing the end in view. But while we are appropriating so many millions in this way, it may be worth while to consider, if there be not other means of promoting the same object, at least deserving of attention. It is certainly necessary that our farmers should have facilities of getting their products to market, before their power of production can be fully called into exercise, but it is not less necessary, that they should possess the knowledge requisite to direct their labor in the most profitable way. Your committee have no doubt that the raising of silk, and of the grape, if extensively introduced, would be sources of profit to many of our citizens, and an important advantage to the community at large. That species of the mulberry on which the silk worm is fed in Europe and Asia, is so well adapted to our climate, that it has become naturalized in some parts of our state, and is to be found growing without care or cultivation, in hedge rows and waste places. It is easily propagated, either by seed or by cuttings of the branches, so that nothing is wanting but information and a little attention to its cultivation, to multiply it to any desirable extent. We have also a native species of mulberry, which is known to answer the purpose for feeding silk worms, whether as well or better than the foreign, is perhaps not yet determined. Several species of the grape are also natives of the country, and some varieties of the wine grape of Europe have been cultivated in some places to advantage, whilst others have been found too tender to stand the severe winters of this climate, and the question is yet undecided, whether foreign or native varieties of this delicious fruit are best adapted to general cultivation. There are doubtless many other articles now imported, which may be produced in our own country. Madder will grow luxuriantly in this state, and it is highly probable that the Olive tree and the Tea plant would both thrive well in some of the southern states. In these cases, and every other in which articles are not produced, where it might be advantageously done, it is evident that want of knowledge is the principal reason for the deficiency. Any measure, therefore, which would diffuse among the inhabitants of our state, an increase of useful and practical knowledge, and promote a spirit of inquiry and enterprise, will cause agriculture and manufactures to improve, and promote general prosperity and happiness.

Societies for the improvement of agriculture and manufactures, appear well calculated to excite emulation, and thus assist in perfecting the skill of the agriculturalists and manufacturers. They are, therefore, useful; and where the citizens feel interest enough in them, to devote a portion of their time and attention in promoting their object, they are deserving of high commendation. But your committee do not perceive, that any



considerable benefit would result from encouraging such associations by appropriations of money from the Treasury, and it is feared that much of what might be thus obtained, would be wasted on objects of little utility.

Schools or academies in which agriculture and the mechanic arts shall be taught in the most improved methods, in connection with literary and scientific instruction, the students attending a portion of their time, to the pursuits of literature and science, and another to manual labor, appear admirably adapted to promote our object. In such institutions, the labor of the pupils will give strength and vigor to their constitutions, they will learn the most approved methods of prosecuting whatever branch of business they may choose to follow, and they will naturally acquire habits of industry, that cannot fail to be highly useful in after life. At the same time, they will have the opportunity of acquiring an ample store of knowledge, and the regular prosecution of their studies, will discipline and improve their mental powers. This combination of intelligence, vigor of body, activity of mind, and habitual industry, forms a character which is well calculated for extensive usefulness in every situation in life, and is pre-eminently calculated to promote the well being of society, by increasing the power of production in all branches of business. Such establishments may readily be made the means of diffusing a practical knowledge of all useful discoveries and improvements, and by the combination of science, mechanical skill and practical knowledge, which this system of education cannot fail to produce, many discoveries will doubtless be made that otherwise would escape notice.

We are not recommending a Utopian scheme, or advocating an untried principle. Schools have been established upon this plan, and so far as they have been tried, it is believed they have given an earnest of usefulness that will justify very sanguine expectations. The most conspicuous among these, and that which has been the longest in operation of any that is known to your committee, is that of Emanuel Fellenburg, at Hofwyl, in Switzerland. It was established more than twenty years since, and is still in successful operation; and from the concurrent reports of many travellers who have visited it, the experiment has conclusively demonstrated the great superiority of the system over every other that has been made known to the public. Several establishments have also been commenced in this country on similar principles, that give flattering indications; but there are none that have been long enough in operation, to show, by their fruits, the extent of the advantages they are calculated to confer.

It is a source of much satisfaction to reflect, that while the system we recommend will give an education much better adapted to form useful citizens, than can be obtained at our best institutions on the present plan; it will also be much less expensive. The agricultural school at Hofwyl, is the property of a private individual, and we know not whether the labor of the scholars is sufficient to remunerate him for the expense of their education. It is known, however, that they are fed, clothed and instructed without any pay or *profit*, except what is derived from their labor, and we infer that the loss, if any, cannot be very considerable, otherwise the school would be discontinued. At the Oneida institute, in the state of New York, according to the report of the managers of that institution, the students work three hours in the day, and this is found sufficient to pay for their boarding and lodging; and some of superior skill, have paid all their expenses.—There is, therefore, little doubt, that young men from fifteen to twenty years of age, by working four or five hours in each day, could pay all the necessary expenses of their education and maintenance: so that a liberal and valuable education might be placed within reach of every child of the republic, with but little burthen upon the community. We are aware it is not the province of this committee to digest and propose a plan for establishing

such institutions; but we would earnestly recommend them as proper objects of legislative encouragement. And as the consideration of the propriety of establishing a general system of education, has been referred to another committee, we respectfully propose the following resolution, viz:

Resolved, that the committee on education be instructed to enquire into the expediency of making provision, by law, for the establishment of a competent number of academies or schools, in which agricultural and mechanical employment shall be combined with literary and scientific instruction.

The resolution attached to the foregoing report, was again read, considered and adopted.

### NORTHERN DISPENSARY.

Remaining under care last year,	9
Admitted since that time,	639
	<hr/> 648
Of whom the number recovered is,	573
Relieved,	31
Died,	20
Remaining under care,	24
	<hr/> 648

The receipts and expenditures have been as follows:

#### RECEIPTS.

Balance in Treasury last year,	\$380 90
Interest on Mortgages,	42 00
Interest on the Kensington Loan,	190 00
Income on Wills' Legacy,	270 00
Contributions,	328 00
	<hr/> \$1,210 90

#### EXPENDITURES.

Medicines,	\$165 91
Leeching, Cupping and Bleeding,	182 90
Medical Works,	3 00
Stationary and Printing,	12 30
Apothecary's Salary,	80 00
Balance in the Treasury,	734 32
Collecting Contributions and distributing Annual Report,	32 47
	<hr/> \$1,210 90

In presenting the annual report of the Northern Dispensary, for the year 1831, the managers trust that their fellow citizens may be renewedly induced to patronize an institution so peculiarly deserving of their fostering care. To the truly benevolent heart there cannot be a more exquisite reward than that arising from the consideration, that it has ministered to the deserving poor, whilst suffering under the deprivations and pains of the sick bed. However surrounded by other comforts, what is life if health is taken from us? Consider the poor man and his dependent family! When disease overtakes him, the few comforts his wages have enabled him to dispense to his beloved partner and tender offspring, are at once taken away, and poverty in prospect, is seen to add redoubled force to every pang. If he has saved a little from his hard earnings, it may all be sunk in medicine and attendance. Just at this juncture, a contributor to the Dispensary may soothe his harassed feelings, by the assurance that the physician and medicines shall be supplied without expense. His



mental fears are thus allayed, and his physical malady rendered more controllable. It is needless to say more to our fellow citizens on the subject of this charitable institution; we feel assured they will not suffer it to languish.

To establish it upon a permanent basis, the managers are satisfied a more central situation is required; and since they have extended its benefits to the district of Penn township, they are desirous to find a suitable site for the erection of a building, which shall comprise within its walls the necessary conveniences. They most ardently hope that when application shall be made to their fellow citizens of the Northern Liberties and Penn township, for aid—in procuring the same, they will show that liberality for which they have always been distinguished. It will be observed that the number of patients has been less than last year, in consequence of exemption from epidemics.

Contributions and donations will be thankfully received by our Treasurer, John C. Browne, No. 334 North Front street; at the Dispensary, No. 371 North Front street, S. E. corner of Green street, or by either of the managers.

By order of the Board of Managers.

GEORGE BOYD, President.

JOSEPH S. RILEY, Secretary.

Philadelphia, Dec. 29, 1831.

#### CENTENNARY CELEBRATION OF THE BIRTH OF WASHINGTON.

The following gentlemen having been appointed a general committee, by a public meeting of the citizens of the city and county of Philadelphia, assembled to make arrangements for a suitable celebration of the centenary birth-day of GEORGE WASHINGTON, on the 22d of February, 1832, viz.—William Rawle, Alex. M'Caraher, Josiah Randall, Walter R. Johnson, Thomas M. Pettit, James Page, Thomas Cadwalader, Benj. Chew, jr., Kenderton Smith, George N. Baker, Robert A. Parrish, Richard Palmer, Benj. W. Richards, Joseph R. Ingersoll, Robert Patterson, Col. C. G. Childs, Henry D. Gilpin, William Milnor, Jr., Charles S. Cox, John Miles, Jacob Friek, Isaac W. Norris, Thomas H. Craige, James Ronaldson—a meeting of the general committee was held at the Mayor's office, on Monday the 6th of February. The subject having been taken into full consideration, the following resolutions were adopted:

Resolved, That the celebration of the approaching anniversary shall embrace the following general arrangements—

1. That the day be ushered in by the ringing of bells at sunrise, and that this ceremony be repeated at noon and sunset.

2. That the citizens be earnestly requested, as far as practicable, to suspend business during the day, in order to give more effect to the celebration, and to enable all classes to unite in it.

3. That during the day national salutes be fired from the Navy Yard and by the volunteers.

4. That all vessels in port shall be decorated with their flags.

5. That there be a grand civic and military procession during the day.

Resolved, That application be made to the proper authorities to have the bells of the different public edifices rung during the day.

Resolved, That application be made to the Commandant at the Navy Yard, respectfully requesting that a salute of one hundred heavy guns may be fired during the day.

Resolved, That application be made to the Major General of the Division respectfully requesting him to issue orders to have corresponding salutes fired during the day.

Resolved, That the owners and masters of vessels in port be requested to display their flags at the mast-head during the day.

Resolved, That a committee be appointed to arrange a procession, and that they respectfully request the participation therein of the society of the Cincinnati, of the surviving officers and soldiers of the revolution and of the late war, and of the officers of the army and navy of the United States.

Resolved, That the committee respectfully request the Major General to issue orders for a parade of the military of the division, so that they may co-operate in this celebration, and to invite the volunteers of the neighbouring states and cities.

Resolved, That the committee respectfully request the participation in the procession of the judges of the courts, the mayor and corporate officers of the city and county, the literary, scientific and benevolent societies, the firemen of the city and county, the members of the different trades, professions and public institutions, and such other societies, public bodies and citizens as will unite with them.

Resolved, That the details of the arrangements be made known at the earliest practicable period.

Resolved, That application be made to the Select and Common Councils of the city and the adjoining districts, for appropriations to aid in defraying the expenses of the celebration.

Resolved, That the following persons be a committee with full power to carry into effect the objects of the preceding resolutions, viz.

Henry D. Gilpin,	Joseph R. Ingersoll,
C. G. Childs,	Thomas M. Pettit,
Benjamin Chew, jr.	Alex. M'Caraher,
James Page,	and
John Miles,	Walter R. Johnson.

Resolved, That the general committee express their anxious desire, that all their fellow citizens may cordially and efficiently unite in a celebration, which is intended to commemorate their grateful feelings towards the memory of that man who was their pride when living, and whose name is inseparably blended with the liberty, the glory, and the happiness of their common country.

ROBERT A. PARRISH, Chairman.

WILLIAM MILNOR, Jr. Secretary.

#### TESTIMONIALS OF RESPECT.

At a meeting of the members of the Bar of Philadelphia, held at the Law Library, on the 20th of December, 1831, Charles Chauncey, Esq., Chairman, T. J. Wharton, Secretary,—

Mr. Sergeant proposed the following resolutions, which were unanimously adopted:

Resolved, That the Bar is desirous to express their respect and regard for their venerable associate WILLIAM RAWLE, Esq., and preserve a likeness of one who has contributed so much to do honour to the profession.

Resolved, That a committee be now appointed to signify to Mr. Rawle the wishes of the Bar in this respect, and to engage a suitable artist for the purpose.

The following committee were then appointed:

Mr. Sergeant,
Chauncey,
J. R. Ingersoll,
T. J. Wharton,
W. M. Meredith.

CHARLES CHAUNCEY, Chairman.

T. J. WHARTON, Secretary.

In consequence of the foregoing resolution, the committee addressed a letter to Mr. Rawle, a copy of which is subjoined, together with Mr. Rawle's reply:

DEAR SIR,—The members of the Bar of Philadelphia, "desirous to express their respect and regard for



their venerable associate, WILLIAM RAWLE, Esq., and to preserve a likeness of one who has contributed so much to do honour to the profession," have appointed us a committee to request that you will do them the favour to sit for a portrait, to be painted by an eminent artist, and fixed in such place as the Bar may direct.

We have great pleasure in performing the duty thus assigned to us. To be the organ of an expression of regard and respect, so well deserved, is indeed peculiarly gratifying.

On behalf of the Bar, therefore, we request that you will be good enough to name an early day for the purpose expressed in their resolution.

We are, very truly and respectfully, your friends and servants,

JOHN SERGEANT,  
CHARLES CHAUNCEY,  
J. R. INGERSOLL,  
T. J. WHARTON,  
W. M. MEREDITH.

To WILLIAM RAWLE, Esq.  
December 21, 1831.

#### ANSWER.

GENTLEMEN,—It is difficult for me to find language adequate to express the sense I feel of a compliment so unexpected, so unmerited, as that which, through you, I have received from my professional brethren.

To be thus honoured is a distinction so highly flattering as to preclude the hesitation of a moment in complying with the request, and it only remains for you to designate the artist to be employed.

I have the honour to be with the greatest respect, your affectionate and obedient servant;

W. RAWLE.

To John Sergeant, Charles Chauncey, Joseph R. Ingersoll, Thomas I. Wharton, William M. Meredith, Esquires.

We understand, that Mr. Inman, the artist employed, has most successfully accomplished the object desired by the Bar.

At a meeting of the members of the Bar at Philadelphia, held at the Law Library on the 20th of December 1831, Charles Chauncey, Chairman, T. I. Wharton, Secretary.

On motion of Mr. Wheeler, seconded by Mr. Sergeant, it was unanimously

Resolved, that the members of this Bar entertain a grateful sense of their obligations to Mr. DAVID CALDWELL, late Clerk of the Circuit and District Courts of the United States, for his uniform kindness and attention to them, and are desirous of bearing testimony to the remarkable correctness and integrity with which the duties of his office have been discharged.

Resolved, that a piece of plate be presented to Mr. CALDWELL, in the name of the Bar of Philadelphia, as a memorial of their friendship and respect for him.

The following gentlemen were appointed a committee to carry the resolution into effect.

Mr. Sergeant,  
Wheeler,  
J. R. Ingersoll,  
Jas. C. Biddle,  
W. M. Meredith,  
CH. CHAUNCEY, Chairman.

T. I. WHARTON, Secretary.

The following is the correspondence which followed, between the committee and Mr. Caldwell:—

DEAR SIR:—We have been appointed by the Bar, at a meeting held on the 20th inst. to communicate to you a resolution they have unanimously adopted, and also to carry into effect the intentions expressed by their vote. Of this resolution we now enclose a copy.

It would afford us unmingled pleasure to be thus instrumental in conveying to you a tribute of affection and respect, so sincerely offered and so justly merited, were it not unavoidably accompanied with the painful feeling that our intercourse with you as an officer is now to cease.—During the long period of your service, we have experienced the most unwearied kindness, joined with the strictest integrity and accuracy, in the performance of your duties, so that the attachment founded upon your affectionate solicitude at all times to assist and to serve us, was exalted and strengthened by the firm conviction that every trust belonging to your office was faithfully, accurately and conscientiously fulfilled. We still remember the proud satisfaction with which, as members of the Bar of Pennsylvania, we heard, upon a memorable occasion, the office of Clerk of the Pennsylvania District held up at Washington as an example of official purity and exactness.

Under the influence of these recollections, our best wishes go with you into your retirement, mingled with our regrets at parting with one so much respected and esteemed.

J. SERGEANT,  
C. WHEELER,  
J. R. INGERSOLL,  
J. C. BIDDLE,  
W. M. MEREDITH.

To Messrs. Sergeant, Wheeler, J. R. Ingersoll, J. C. Biddle and W. M. Meredith, committee.

GENTLEMEN—I want words to express the deep sensibility with which I have this day received the resolutions of the Bar of Philadelphia, passed on the twentieth instant; and I shall not attempt it. I will only say, and I do it with pride and pleasure, that the harmony of an official intercourse of more than forty years with that Bar, and the fathers of many of its present members, has not been interrupted in a single instance, by any act or expression of unkindness or disrespect—and that this new testimony of courtesy and kindness, received with gratitude as it was offered with urbanity, will be cherished through my few remaining years, as a most gratifying, yet too partial reward for the services to which it refers.

Accept, gentlemen, for yourselves, individually, and for the very distinguished and greatly respected body whom you represent, my ardent wishes for your continued prosperity here and for your future happiness.

D. CALDWELL.

Philadelphia, 23d Dec. 1831.

The Bar of Philadelphia have presented to David Caldwell, Esq., a silver pitcher and stand, of the value of one hundred and fifty dollars. The articles are from the manufactory of Mr. Thomas Fletcher, Chesnut street; the pitcher is a beautiful piece of workmanship, worthy of that gentleman's high reputation as an artist. Every one who has any direct knowledge, or has heard of Mr. Caldwell, must acknowledge that this tribute of esteem is well merited. We annex a copy of the just inscription on the pitcher.

"PRESENTED BY THE BAR OF PHILADELPHIA TO  
DAVID CALDWELL, ESQ.

Late Clerk of the United States' Courts for the Pennsylvania District, in testimony of their great respect and regard, and of their sense of the uniform courtesy, kindness and fidelity, which eminently characterized his conduct as an officer and a gentleman, in their intercourse with him. January, 1832."



TABLE OF THE RATES OF TOLL ON THE DELAWARE AND HUDSON CANAL.

The first column shows the Rates, where the Rules and Regulations are complied with: the second, the legal Tolls.

ARTICLES,	cts.	cts.
Gypsum, per ton per mile,	1 1-2	4
Salt,	2 1-2	4
Flour, meal, grain, salted provisions, pot and pearl ashes,	2	4
Cement,	3 1-2	4
Ground tanner's bark,	2	4
Unground do. do.	1 1-2	4
Molasses, sugars, and liquors,	3	4
Hay in bundles pressed,	1	4
Merchandise,	3	4
Timber in Boats—Hemlock—per 100 cubic feet, per mile, but not to exceed 75 cents, for any distance on canal.	1	4
“ Pine—per 100 cubic feet, per mile, but not to exceed \$1 for any distance on canal.	1 1-2	4
“ Oak—per 100 cubic feet, per mile, but not to exceed \$1.50 for any distance on canal.	2	4
“ Maple, Cherry, and Whitewood, per 100 cubic feet per mile, but not to exceed \$3 for any distance on canal.	3	4
“ in Rafts—Hemlock—per 100 cubic feet, per mile,	2	4
“ Pine,	3	4
“ Oak,	4	4
“ Maple, Cherry, and Whitewood,	4	4
<i>Boards, Planks, and Scantling in Boats.</i>		
Hemlock, per 1000 feet board measure per mile, but not to exceed 75 cents on any distance of the canal.	1	4
Pine, per 1000 feet board measure, per mile, but not to exceed \$1 for any distance on canal,	1 1-2	4
Oak, per 1000 feet board measure, per mile, but not to exceed \$1.50 for any distance on canal.	2	4
Maple, Cherry, and Whitewood, per 1000 feet board measure, per mile, but not to exceed \$3 for any distance on canal.	3	4
<i>Boards, Planks, or Scantling in Rafts.</i>		
Hemlock, per 1000 feet board measure, per mile,	2	4
Pine,	3	4
Oak,	4	4
Maple, Cherry, and Whitewood,	4	4
Staves and heading in boats, per ton per mile,	1 1-2	4
in rafts,	2	4
Shingles in boats, per 1000 per mile,		
Pine,	4 10	8 10
Hemlock,	3 10	8 10

	CTS.	CTS.
Shingles in rafts—Pine,	3 10	8 10
Hemlock,	8 10	8 10
Manufactures of wood, per ton per mile,	2 1-2	4
Iron Castings,	3	4
Common brick and Stone Lime, Iron Ore and Sand,	1	4
Fire brick, Fire Stone and Coal,	1 1-2	4
Marble and Mill Stones, and all manufactured Stone,	3	4
Posts and Rails, and Lath in boats,	1 1-2	4
do. do. in rafts,	3	4
Hoop poles,	1 1-2	4
do. do. split or shaved,	2	4
Cotton in bales or bags,	3	4
Iron up the canal,	3	4
Do. down the canal,	2	4
Cord wood in boats, from 1 to 10 miles per cord, per mile,	4	4
11 miles,	45	44
and for every additional mile, one cent per cord, until the toll amounts to 50 cents—and a half cent per cord per mile, for every additional mile above 18 miles, until the toll amounts to 60 cents per cord, and for every five miles thereafter, one cent per cord.		
Articles not enumerated going from tide water,	3	4
Towards tide water,	2	4
Pleasure boats, on the capacity of the boat,	4	4
Milage on boats loaded or empty, towards tide water, two cents per mile—from tide water, four cents per mile on the boat.		

*Dundaff Republican.*

COLUMBIA, Thursday, Feb. 9, 1832.

BREAKING UP OF THE SUSQUEHANNA.—The rains of the 3d and 4th inst. caused the Susquehanna so to swell, that about 6 o'clock on the evening of the latter day, (Saturday,) the ice commenced moving with a great crash. The rapidity with which the water rose, soon created fears for the bridge and the property at stake along the river bank. Immediate measures were taken for the removal of the flour, whiskey, &c. in danger, which were successful; and we believe every thing moveable, that was liable to destruction, was placed in safety, with the exception of the lumber. Great crowds were attracted to the bridge in the early part of the evening, and from the constant noise made by the ice pressing against it, more resembling a discharge of musketry than any thing we can liken it to; the opinion prevailed that the whole of the bridge from the Wrightsville side to the big island, was being swept away. At this period the most painful anxiety was manifest; the darkness of the night was a barrier to the sight, while it was unsafe to enter the bridge for the purpose of gratifying curiosity. About 11 o'clock, the ice had stopped running, being dammed below, and a number of persons from Wrightsville came over and reported that no part of the bridge had gone, except the lower side of a span in about the centre, and that the sound which had created so much uneasiness, was caused by the ripping off of some of the weather-boarding. This allayed a great



deal of fear, and confidence again prevailed in the stability of this noble structure.

At 12 o'clock, however, the ice made another push, and at a quarter past, 5 span or 540 feet of the bridge were taken from the piers with a crash that went to the heart of every listener. Shortly after the ice again jammed and stopped, and so continued until about half past 10 on Sunday morning, when it moved and took with it 2 span or 210 feet of the bridge near the Wrightsville side.

Before we go further, it will be necessary to state, as explanatory of the unusual height of the water at this place, that at the breaking up of the river three weeks since, the ice was unable to force its passage through the narrow places below—consequently all that had come down for the distance of more than 200 miles, had crowded into a space of about 12 miles in length, forming a dam in some places 60 feet above low water mark, and extending to the bottom. The difficulty of the water finding its way through such a mass of ice, may easily be imagined. It is said that four miles down, it never started during all the time it was running here. Aside from this cause, there was not water enough in the river to occasion any injury or excite any alarm.

On Tuesday was the greatest rise. On that day, about 11 o'clock in the morning, the ice made another shove; at this time the water rose two feet higher than it had previously been—9 span or about 1000 feet of the bridge were carried away near the Wrightsville shore; many of the board piles in the lumber yards on this side were upset; and the two shore-houses of Mr. C. Haldeman were considerably injured. At 1 o'clock the river had become clear of ice opposite this place, and it continues so at this time, having fallen to nearly its natural height. Above the bridge there is some ice, and below us the dam remains unbroken.

Two stables belonging to Mr. T. Winnemore were taken off; the frame work of the saw-mill just above the bridge, erecting by Messrs. Forrey, McKissick and Heise, was borne away; the saw-mill owned by Mr. Jacob Strickler, and improved by Mr. T. Collins, was moved off by the force of the ice, and the store-house belonging to Mr. Strickler, was also taken from its foundation.

The whole length of the bridge at this place, was 5690 feet; about one-third of it is gone, and the remainder is more or less injured in different places. It was commenced in 1812, and made passable in the fall of 1814; and we learn that this is the first injury it ever sustained from the ice. The cost was about \$232,000. We have not understood what course the directors have concluded to adopt, but their well known enterprise and ability lead to the belief that the most efficient measures will be resorted to, for promptly repairing the injury sustained.

The damage done to this building is not to be regarded merely in a local point of view—the loss is a public one. The great southern and eastern mails were carried on this route, and four stages, two from Philadelphia, and two from Baltimore, passed over the bridge daily.

There is reason to believe, that the injury sustained by the public works is very light—one side of the east end of the bridge at the head of the canal basin, was undermined and the wood work is in a reclining situation; the small bridge over Shawnee run was raised from its foundation, but otherwise is not much damaged. The outer wall of the canal between this and Marietta, withstood the pressure in a manner which speaks volumes in its favor. In our next, we shall be able to be more particular.

The early stage from Baltimore had just reached this end of the bridge on Saturday evening, as the ice commenced moving. The passengers in the late stage passed the night in Wrightsville. Both stages from Philadelphia arrived here too late to cross the bridge with safety. On Sunday morning, Col. Jefferies, agent for the stage owners, employed two men to take the great

mail over. They went on the bridge till they came to the opening, thence on the ice till they again reached the bridge. They succeeded in taking it to Wrightsville in safety; on returning, however, they were in great danger; the ice started while they were on it, and it was with some difficulty that they reached the bridge. The feelings of the spectators who were witnesses to this from the shore, may be imagined, but cannot be described.

The water on Tuesday was about 19 feet above low water mark, and 30 inches higher than it was at the break in January, 1813. Its height was about the same as in 1784. Tradition speaks of a high flood in 1740, which far exceeded that of '84—and inferring that no intermediate flood was higher than that of the latter year, it follows that the water reached a greater altitude on the 7th inst. than it had done for 92 years.—*Columbia Spy*.

At Marietta, the river was very high, and at one time considerable lumber and whiskey were afloat; we learn, however, that it will pretty much be saved. The building occupied by Rees Hipple, as a dwelling, formerly a still-house, was swept from its foundation. From Sunday morning till Wednesday, the turnpike between Marietta and this place was impassable, and travellers had to take the old road. In the public house, kept by Col. Kelly, called the half-way house, the water was 15 inches on the first floor on Tuesday forenoon.—*Id.*

It is feared that our neighbours of Washington, three miles below, have suffered severely. All Front street was inundated, and store-houses, stables, &c. were thrown into confusion. We have not heard particulars.—*Id.*

WILLIAMSPORT, Feb. 8.

On Saturday evening last, the ice in the West Branch which had been formed since the late freshet, took its departure for the Chesapeake Bay. The river was exceedingly high, and it passed off smoothly, doing but little injury as we have yet learned. An incident, however, occurred, which is we think without a parallel in the history of ice freshets upon the Susquehanna. About dark, on Saturday evening, Mr. Joseph Bailey, of the island opposite Jersey Shore, in endeavouring to secure a flat boat, which lay near the lower end of the island, exposed to the loose ice, ventured into it, and at that moment a large quantity of ice came in contact with the boat, broke the rope by which it was fastened, and drove it past the point of the island. The river being entirely covered with floating ice, his lamentable cries for assistance were in vain—no human power could rescue him from his perilous situation. About midnight, several citizens of Jersey Shore arrived at this borough and gave the alarm. A light was placed upon the bank of the river to attract his attention, and in a few minutes he passed by, without the least possibility of saving him. He informed us that he was almost perishing with cold and fatigue, and that he was not able to escape from the ice with which he at first started. All hope of saving him except at the bridge was now abandoned—and an express sent on to Milton to make preparations. He passed over the *race ground* rapids, and through the breach of the Muncy dam before day light! and arrived at Milton about nine o'clock in the morning, after a voyage of near fifty miles. The spirited citizens of Milton, whose conduct upon this occasion is deserving of the highest praise, had every means prepared to save the life of a fellow being, which ingenuity could invent, and it is with unbounded pleasure we state that they were successful. He was drawn up by a rope suspended from the bridge, amid the shouts of the assembled multitude.

Who can imagine the feelings of his relations and friends during his absence, particularly of his bosom companion, and aged mother? Ten thousand deaths



would have been more tolerable, than the agonizing state of uncertainty which involved his fate. Tongue cannot describe the feelings which were excited in our own borough, where none were bound to him by the endearing ties of conjugal affection or maternal love.—*Lycoming Gazette.*

LEWISTOWN, Feb. 9.

Owing to the weather moderating and heavy rains, last week, the Juniata rose two feet higher than it had previously been this winter. On Saturday the ice moved off without doing any serious injury to the public works. This is the second ice flood we have had this winter, and from the little damage done to the canal, we infer that its banks are becoming too firm to suffer much injury from common causes.—*Eagle.*

KITTANNING, Jan. 25.

THE ICE FLOOD.—We are sorry to learn that the Bridge across Redbank creek, on the Olean road, and the Bridge across the mouth of Crooked creek, at Judge Ross's mill, were entirely swept away last week, by the sudden rising of the creeks and the breaking up of the immense body of ice on them.—We also learn, that much damage has been done by the flood, in carrying away mill dams, fences, &c. in different sections of the county.

## DECISION OF THE SUPREME COURT. TAX ON TOWN LOTS,

*Given by Justice Kennedy.*

### OPINION.

Hugh M'Clelland, pl'tff. in error. { Writ of error to the  
vs. court of common  
Alex'r. M'Calmont, def. in error. { pleas of Venango  
county.

This was an action of ejectment in which the plaintiff in error claimed to recover the possession of a lot of ground situate in the town of Franklin, in Venango county, which had been vacant or unseated, and during that time had been assessed with taxes, and they not having been paid, was sold as unseated lands are directed to be under the laws of the state. The defendant, at the sale became the purchaser of the lot in question, paid the purchase money, and obtained a deed of conveyance for it from the treasurer of the county.

A case was agreed on and stated by the parties, for the opinion of the court below, subject to a writ of error to be sued out by either. From the case stated, it appeared that the plaintiff was the owner of the lot before and at the time of the sale; that prior to that time it had never been enclosed or improved, or settled on in any way—that it had been duly assessed with taxes which remained unpaid, and that it was sold as unseated lands are directed to be sold by the laws of the state, for taxes due and in arrear upon them, and that the defendant became the purchaser as is stated above.

The only question made and urged, was, whether an unimproved and unseated town lot of ground could be lawfully assessed with taxes and sold as unseated lands are directed to be sold for the non-payment of taxes assessed upon them.

The court below, decided that it could, and gave judgment for the defendant.

Unless such property be taxable, it follows as a matter of course, that no sale could be lawfully made of it for taxes: It therefore becomes necessary to enquire first, whether it be the subject of taxation by law or not.

By the 8th section of the act of Assembly of the 11th of April 1799, entitled, "an act to raise and collect county rates and levies," all lands held by patent, warrant, location or improvement; houses and lots of ground, and ground rents; all grist-mills, saw-mills, fulling-mills,

slitting-mills, rolling-mills, hemp-mills, oil-mills, snuff-mills, paper-mills and powder-mills: all furnaces forges, bloomerics, distilleries, sugar-houses, malt-houses, breweries, tan yards, and ferries, &c." are made taxable, and for that purpose the assessors are required to make out an account of the same: after which they are to call to their aid the assistant assessors, and with them to value all these things according to the best of their knowledge, for what they may think they would *bona fide sell for in ready money.* The terms employed in this section of this act are sufficiently comprehensive and explicit to embrace unseated and unimproved town lots, or any other lots of ground. The terms "*all lands*," are amply sufficient to designate and include whatever will in law come properly under the denomination of "*land*," which in law is a term of very comprehensive signification. And although the legislature have gone on further to enumerate specifically, "houses and lots of ground, ground rents, all grist-mills, &c." yet I do not think it was done with a view to exclude any thing that came in properly under the denomination of "*lands*," the term before used, but rather consider it done for the purpose of amplifying and enlarging the list of taxable articles, than of limiting and restricting it. The various articles of property made taxable by this act, are to be valued according to what they, in the estimation of the assessors, would sell for *bona fide in ready money*, and not according to their *annual value*: which shows that the legislature intended that property which might be of no annual value, such for instance, as unimproved and unseated lands, whether consisting of whole surveys or tracts, or of lots or town lots, should be valued and assessed as well as that which was productive of annual profit. For if this had not been their intention, would not the annual value or profit of real estate have been a more equitable and reasonable standard, by which to have ascertained the amount of the taxes to be paid by the owners? It would seem to have been the design of the legislature to assess and tax *all property*, from which money could be raised by a sale of it. Unseated town lots may be sold, and money sometimes raised in this way upon them more readily than by a sale of improved lots, where some regard is to be had to the cost of them. Besides, as an article of property, they are often not only more saleable but more valuable than the most of the unseated tracts of land in the same county; which are admitted to be the legitimate subjects of taxation, and are expressly made so by the act of Assembly of the 3d of April 1804. The act of the 28th of March, 1814, which has been referred to and relied on by the counsel for the plaintiff in error, to show that vacant or unseated lots or pieces of ground cannot be sold for taxes, is framed and predicated upon the very basis of the lots therein referred to, having been *regularly*, that is, *lawfully* assessed, but the owners could not be found to pay them, or when found, denied their ownership. All this appears in the preamble of the act. It cannot be supposed that the legislature had any tender feeling of regard for, or disposition to indulge the owners of vacant or unseated town lots beyond what they have expressed for the owners of unseated lands generally, in directing to be assessed with taxes, and if these are not paid within due time, then by directing a sale to be made of the lands themselves. The policy of the state has ever been to encourage the improvement and settlement of all the lands within its territory, lots, I would say, as well as tracts. For it is precisely the same thing to the state, whether a tract of land remained whole, and entire, and unsettled, or be cut up and divided into lots, containing each the one-eighth of an acre, and all remain unimproved and unseated. Nothing is added to her wealth or her strength, in the latter case more than in the former. Why should she forbear taxing town lots, as such an exception would rather encourage the non-settlement of them, and be contrary to her uniform policy? It would also be repugnant to the principles of



equality and justice. The state is bound to protect every one of its citizens in the enjoyment of those rights which he has to property within its territory, as well as of those that belong to his person. In return for this protection, he is bound again to contribute to the support of the state, which is to be done in part by paying the taxes that are assessed. Again, it is just and equal, that in proportion as the property is more or less valuable, in the right to the enjoyment of which he claims to be secured by the state, he should in the same proportion pay to the support of the expenses of the state? If so, he ought to pay taxes assessed upon unimproved town lots as well as upon any other species of property—otherwise one man may hold property worth fifty thousand dollars in the state, consisting of unimproved and unseated town lots, and pay no taxes, while another, holding unimproved and unseated lands consisting of what are commonly called *tracts* of land worth not more than twenty thousand dollars, has to pay annually one hundred, or from that sum to two hundred dollars, which would be most unjust and unequal. No reason why town lots should not be assessed, has been attempted to be given; and indeed, it is difficult to conceive any, while on the contrary, justice, as well as sound policy requires that they should.

If then, they may be lawfully assessed, as I think they may, that is, I consider that the legislature has directed them to be assessed, as often as any other real estate in the same county is to be, so it certainly will be thought strange, if the legislature have provided no efficient mode for the collection of such taxes; yet if unimproved, vacant and unseated town lots cannot be sold for taxes due and in arrear upon them, most certain it is that the legislature have omitted or failed to provide such a remedy. It was found impossible to collect the taxes due upon unseated tracts of land, by any other mode than a sale of them. Hence that was provided. If the owners of unseated *tracts* of land, neglected paying the taxes upon them, and it therefore became necessary to authorize a sale of them, what reason can be imagined, why the same neglect would not happen in the case of unseated or unimproved town lots? Every one of any experience in this matter knows, that the difficulty of getting the taxes paid in those cases is the same, and that without an authority to sell in both cases, it is utterly impracticable to collect or obtain the taxes due upon such property. It cannot be presumed for a moment, that this was not as well known to the legislature, as any other part of the community. Neither can it be believed that they intended taxes to be assessed upon these town lots, without any design that they should be collected. If there can be no other mode by which they can be collected, it will be a strong reason for believing that the legislature intended and designed it, if there be any thing to be found in their acts in this behalf, that will bear such a construction.

It has been contended by the counsel for the plaintiff in error, that no part of any of the acts of Assembly authorizing the sale of unseated lands for taxes, are the words "*lot*" or "*piece of ground*" or "*town lot*" used or expressly mentioned. That as often as the legislature have undertaken to describe what kind of unseated lands they intended should be sold for taxes, they have uniformly spoken of them as "*tracts*," which do not give us the idea or include a town lot. To all this it may be answered that they have almost invariably throughout all the acts in directing the sale of unseated lands for taxes, used the terms "*unseated lands*." The second section of the act of the 3d of April, 1804, expressly directs, that "*all unseated lands* within this commonwealth, held by individuals, companies or bodies corporate either by improvement, warrant, patent or otherwise, shall for the purpose of raising country rates and levies be *valued* and *assessed* in the same manner as other property," and in a subsequent part of the same

section, provides and authorises a sale of them, calling them again "*unseated lands*," and not referring to them by the term "*tract or tracts*." Indeed I cannot discover where, in any other act on this subject the term "*tract or tracts*," has been used seemingly for the purpose of distinguishing them or that species of unseated lands from unimproved and unseated town lots or any other unseated lots of ground; and certainly in no part of any of the acts is it used for the purpose of showing that town lots unseated were not to be sold for taxes as unseated lands. I think it very clear that the legislature has not made any distinction between a lot of ground and a tract of land, whether seated or unseated; all are to be taxed, and if the taxes are not paid upon the unseated, they are to be sold. A distinction between an unseated tract and town lot does not appear to me to be attempted or aimed at in any place.

The great argument of the counsel for the plaintiff in error is, that the term "*town lot*" is not used in designating the real estate that shall be sold for the non-payment of taxes. But the terms "*all unseated lands*" necessarily embrace lots, town lots and tracts; without distinction; and directs that all shall be sold for taxes unpaid; so that the counsel for the plaintiff in error ought to have gone further and have shown that town lots were expressly exempted after the use of terms which most explicitly embraced them. The act of the 28th March 1814 is said to be a legislative declaration of what the law is on this subject, and that they must have thought that there was no act authorising the sale of unimproved and unseated town-lots or they would not have passed that act, which had no other object in view than to authorize the sale of such lots in the county and city of Philadelphia. This act seems to have been passed upon a special application as clearly appears from its preamble; and most likely was passed to satisfy the doubts or notions of the applicants. It is not probable that it was passed after any particular investigation of the subject by the legislature. For I cannot but think that if they had examined the matter carefully, they would have been satisfied that the then existing laws authorized a sale of such property for taxes due upon it; or if not, they would have immediately passed a general act upon the subject, authorizing it throughout the state. Acts of the legislature have been passed sometimes, merely declarative of what the law was before. This is done sometimes upon the suggestion of those who may doubt about what the law is on the subject; or may be mistaken altogether in respect to it. I know that vacant and unseated town lots in some counties of the state have long since been assessed for taxes and sold as unseated lands; and I can perceive no reason why it should not be so, since they are obviously embraced in the general terms of the act of 1804 on this subject which directs that *all unseated lands shall be taxed*, and if these taxes are not paid in due time, *that they shall be sold*.

The judgment of the court below is right, and must be affirmed.—*Venango Democrat*.

## PROCEEDINGS OF COUNCILS.

Thursday, Feb. 2, 1832.

COMMON COUNCIL.—Mr. RYAN presented a petition from Thomas Lancaster & Son, praying for a renewal of the lease for Spruce street wharf, which was referred to the committee on the Drawbridge lot.

Mr. PATTERSON presented the following remonstrance against the erection of a market house in High street, which was referred to the Special committee appointed on that subject.

*To the Select and Common Councils of the City of Philadelphia.*

Your memorialists, inhabitants and owners of property in the Western section of Philadelphia, respect-



fully represent. That they have seen with regret a petition presented by sundry individuals, praying for the establishment of a Market House in High street, between Thirteenth and Juniper streets. They would respectfully suggest to Councils, that a large and increasing country business is transacted within the aforesaid limits, which would be totally destroyed by such an arrangement, as it would then be impossible to load and discharge the large wagons that are used as a means of conveyance for bulky goods. That this trade must be lost to the city by the attraction presented by the Northern districts for the facilities of trade, or at least diverted to some other section, which would be unjust to many of your memorialists. That a market house erected as prayed for, would be a serious impediment to the transportation of goods to and from the lower part of the city, thereby producing great detention and embarrassment to all who transact business in Market street. It is known to most of our citizens, that the great superiority of our markets is attributable to their concentration; that markets, like capital, when too much disseminated, do not fulfil to the utmost, the objects for which they were established:—and, as an illustration of this fact, your memorialists would call to the remembrance of Councils, that a market house was established some ten years ago, in the immediate vicinity of this site that is now prayed for by your petitioners—that it was scarcely ever occupied or attended, and that about three years since, by the order of your honourable bodies, it was removed as not benefiting the community for which it was intended. In conclusion, your memorialists beg leave to question the necessity of erecting any additional market house at this time, as the side walks as far west as Centre Square are occupied as market places by those who supply the markets, who furnish our citizens with every marketable article excepting fish, that can be purchased any where else within the city.

Should Councils, however, in their wisdom, determine to establish additional buildings for markets, your memorialists would be doing themselves and their fellow citizens great injustice not to urge upon Councils, the propriety of continuing the line of markets from Eighth street west as they may be required, instead of leaving a large space of 4 squares unoccupied—which would be the case were the prayer of your petitioners granted; or if that is not deemed expedient, to locate a market on one of the corners of Penn Square. And your memorialists will ever pray.

Mr. SEXTON presented the annexed letter from Mr. Jacob S. Waln, which was referred to the Paving Committee.

*To the Select and Common Councils of the City of Philadelphia.*

Gentlemen: I beg leave to draw your attention to the situation of Locust street, near the river Schuylkill. Locust st. at this place was originally considerably below the City regulation, and in consequence the earth taken out of other streets was thrown there, no doubt with a view of raising the street to its proper level—but being loose earth and nothing to hold it in its proper place, it washed almost immediately into the river, filling up the dock and injuring the property of the subscriber—this state of things continued until Mr. Cooper, the present City Commissioner first came into office, who, seeing the injury it was doing, placed a wall as a guard on the river side, to catch the washings of the sand, and mud—but this filling up almost as soon as built, the earth and water for these two years past has every rain poured over it, depositing the sediment into the river, the docks on which it has filled up at least three feet and greatly injuring the river itself.

As a fresh quantity of loose earth has lately been thrown into this street near Front street, (not by the Commissioners) which the winter rains will carry the same course,—I have thought proper to give you this

information, and to request your honorable bodies may take such order thereon as you in your wisdom may deem best.

Very respectfully, yours, &c.

J. S. WALN.

MR. WETHERILL presented the following petition, which was referred to the Committee on markets.

*To the Honorable the Select and Common Councils of the City of Philadelphia, sitting.*

This petition humbly represents, that your petitioners free colored citizens of the city of Philadelphia have hitherto exercised their trade as porters and carriers, with benefit to the public and advantage to themselves; that under a provision of your honorable body, they have enjoyed as a stand, the east side of Sixth Street, below Market street, on the west side of the building occupied as the Schuylkill Bank. But that they did not approach the building nearer than the curb stone, their barrows standing in the street. That by reason of the great thoroughfare near which they were stationed, Market st. being a street of great business and activity, they have hitherto been able by strict attention and industry in their calling to procure a comfortable subsistence, but that their successful exertions have recently been most seriously interrupted. The officers of the Schuylkill Bank having made an application to the City Commissioners, by whom your petitioners have been directed to remove from their former position to Minor street. Your petitioners in obedience to the order of the Commissioners have removed, but have also stated to them their objections as herein set forth, but have been by the Commissioners referred to your honorable bodies for relief.

To induce your favourable consideration, your petitioners beg leave to suggest to your honorable bodies, that Minor street is a small and rarely frequented street, in no wise to be compared to Sixth near Market, as a place for the successful prosecution of their calling, and demand for their labour; that their former stand having been on the side and not in front of the bank, and there being no entrance to the Bank, except at the front in Market street, they could not in any way have interfered with the ingress and egress of persons having business at the banking house, and that the present season being as is known to your honors one of great severity and inclemency, and the price of fuel being so high as to make it though an indispensable yet an almost intolerable charge upon your petitioners, by reason of which they are the more painfully rendered unable to contend with any diminution of their resources from their trade. And that they hope your honors by these considerations may be induced to grant them relief, by permitting them under your authority to return to their former station. And your petitioners as in duty bound will ever pray.

Mr. FURZ as Chairman of the committee on Fire Companies, made the following report and resolution, which after considerable debate were carried. The yeas and nays were called for: and the yeas were Messrs. Coryell, Fearon, Fritz, Hood, Lehman Moss, Okie, Oldenburgh, Page, Patterson, Ryan, Sexton, Sullivan, Wetherill—14—Nay Mr. Baker—1.

The Committee on Fire Companies to whom was referred the petition of sundry citizens, praying for an appropriation of three hundred dollars for the purpose of erecting an alarm bell, in the north-western section of the city, beg leave to report, that they have examined the prayers of the petitioners and consider it expedient to grant the same, and offer the following resolution: Resolved, by the Select and Common Councils, That the Mayor be, and is hereby authorized to draw his warrant in favour of the Fire Committee, for three hundred dollars to be expended under their direction, and charge the same to appropriation, No. 21.

February 9th, 1832.

The following communication was received from the



Committee appointed at a Town Meeting of the citizens, relative to the celebration of the Centennial Anniversary of the Birth of Washington.

#### CENTENNIAL CELEBRATION.

Sir: The committee of arrangement appointed by the citizens of the city and county of Philadelphia, respectfully request from the Select and Common Councils of the city an appropriation to aid in defraying the expenses of the celebration.

By order and on behalf of the Committee.

H. D. GILPIN, Chairman.

Feb. 7, 1832.

James Page, Esq.

President of the Common Council.

Mr. OKIE offered the annexed resolution which was adopted, and Messrs. Hood, Fritz, Coryell and Sexton were appointed the Committee on behalf of the Common Council.

Resolved, That a joint committee of four members from each Council, be appointed, whose duty it shall be, in conjunction with the committee appointed by the citizens at a late town meeting, to make the necessary arrangements for the celebration of the centenary anniversary of the birth of the illustrious Washington; and that the Mayor be authorized to draw his warrant on the city Treasurer in their favour, for any sum not exceeding 2000 dollars, which may be necessary to defray the expenses incurred by them, and, that the same be charged to appropriation, No. 21.

Mr. LEHMAN offered the following preamble and resolution, which after some debate were laid on the table for the present.

Whereas the real and personal property of the late Stephen Girard, Esq. having been bequeathed to the City of Philadelphia *in trust*, for certain uses, the principal of which is for the purpose of educating and supporting "White Male Orphan Children:" And whereas the city (after erecting a college) has authority *only* to use the income of said estate; which income may in a great measure be destroyed, by omitting the prudent precaution of insurance:—Therefore in order to preserve the same from unnecessary risk, and to carry into effect the views of the liberal testator—Resolved, by the Select and Common Councils of the city of Philadelphia, that the Mayor be, and he is hereby authorized and directed to have *all* said estate insured, that may in any way be liable to loss or damage by fire or other casualty. And that in the performance of said duty he be requested to distribute the insurance among the several offices of the city, &c.

The SELECT COUNCIL did not form a quorum.

#### HARMONY SOCIETY AT ECONOMY.

**ECONOMY.**—We have not heretofore, (says the Pittsburgh, Gazette, referred to the schism which exists in this society, still entertaining the hope that some arrangement, satisfactory to all parties, might be made. From the following advertisement it may be inferred that the prospect of a satisfactory adjustment of difficulties is by no means encouraging.

#### TO THE AMERICAN PUBLIC.

The undersigned, Members of the Harmony Society, at Economy, in the county of Beaver, Pennsylvania, deem it their duty thus publicly to make known that all the authority or power which has heretofore been given, granted to, or exercised by GEORGE RAPP, or by his adopted son, FREDERICK RAPP, has ceased and determined, and has been revoked; and that their, or either of their acts, under such authority, in all transactions entered into by said George or Frederick Rapp, are without the knowledge, assent, or agreement of the undersigned, whose interests, as members of the Society, are equally involved, and as much entitled to protection as those of any other portion of the community.

All other Banks, and Corporations, and Individuals, who

have heretofore transacted business with the said George and Frederick Rapp, as the agents, or on behalf of the society, will take notice that all such connection between the undersigned and said George and Frederick Rapp, has ceased, and the funds of the society can no longer be resorted to for the satisfaction of debts which may have been, or shall be thus contracted by said Rapps.

February 1, 1832.

William Schmid,  
Israel Bentel,  
Adam Schule,  
John Geo. Wagner,  
Matthew Klein,  
Anthony Knapper,  
Jacob Wagner,  
Michael Forstner,  
Christian Schmid,  
Jacob Durr,  
Penotus Zundell,  
August Schmid,  
George Reiff,  
John Trompeter,  
Jacob Zundel,  
Christopher Hohr,  
August Schmid,  
Reimond Gann,  
Jacob Welhaf,  
George Adam Jung,  
Jacob Klingenstein,  
John Bauer,  
Jacob Krail,  
Frederick Fischer,  
John Luz,  
Conrad Bockle,  
Henry Zeltmann,  
George Forstner,  
Jacob Stroheker,  
Jacob Konig,  
Andrew Widmayer,  
Jacob Vaihinger,  
Reinhold Frank,  
Jacob Deim,  
Jacob Stabl,  
David Konig,  
George Boger,  
Samuel Schreiber,  
Nahum Staiger,  
George Heinle,  
George Vogt,  
Jacob Kurx,  
Christoph Martin,  
Adam Keller,  
George Adam Fischer,  
Christian Martin,  
George Schaal,  
Jacob Schafer,  
Conrad Knodel,  
Henry Gayer,  
Christian Antrieth,  
Matthew Schule,  
Henry Laubscher,  
Adam Marguardt,  
Tobias Schmid,  
Christoph Killinger,  
Jacob Streit,  
John Hurz,  
Arnold Bentel,  
David Wagner,  
Lewis Epple,  
George Fischer,  
Carl Hopfinger,  
Martin Erb,  
Michael Fegert,  
George Weissert,  
Yost Gerhard,  
Andrew Fauth,  
Michael Baumann,

Christiana Konig,  
Henricka Zundel,  
Fredericka Aigner,  
Agatho Wolfer,  
Katharina Schmidt,  
Katharina Staiger,  
Katharina Zundel,  
Sirena Leucht,  
Salome Authrieth,  
Sara Forstner,  
Elizabeth Frank,  
Tryphemae Vogt,  
Margaret Schmidt,  
Margaret Zundel,  
Fredericka Fruh,  
Maria Schmidt,  
Magdalena Schmidt,  
Magdalena Vogt,  
Frederika Schmidt,  
Mariah Fruh,  
Wilhelmina Bendel,  
Elizabeth Stabl,  
Christiana Schnauffer,  
Debora Laupple,  
Thecla Weissert,  
Elizabeth Zanger,  
Elizabeth Fauth,  
Katharina Gerhard,  
Jacobina Fauth,  
Juliana Martin,  
Christiana Schmid,  
Leade Schule,  
Margaret Fritscher,  
Barbara Fauth,  
Juliana Zeigler,  
Julia Zeigler,  
Judith Palmbach,  
Christiana Gerhardt,  
Barbara Laubscher,  
Lora Wolfer,  
Maria Wolfer,  
Katharina Bockle,  
Louise Bockle,  
Jacob Bockle,  
Jeremias Bentel,  
Christina Fauth,  
Christiana Fauth,  
Johanna Fischer,  
Christian Fischer,  
Henry Fischer,  
Phoben Fischer,  
Angelie Knapper,  
Mathilda Widomeyer,  
Caroline Weinburg,  
Ultic Weinburg,  
William Weinberg,  
Joseph Weinburg,  
Elizabeth Lais,  
Louisa Lais,  
Jacobina Lais,  
George Fischer,  
Katharine Fischer,  
Matthew Fischer,  
Hosea Fischer,  
Melchoir Fischer,  
Barbara Martin,  
Margaret Barbara Martin,  
Wilhelmine Schmidt,  
Frederika Kant



Jacob Sander,  
George Schnauffer,  
Philippe Bentel,  
Simon Wagner,  
Christoph Vost,  
Christoph Lichtenberger,  
John Schnauffer,  
Matthew Fauth,  
Jacob Maienknecht,  
Frederick Wolfer,  
Conrad Gann,  
Jacob Marquardt,  
T. Hubert Delhas,  
Christianna Klein,  
Maria Forstner,  
Katharina Kurz,  
Wilhelmina Krauss,  
Rengina Bentel,  
Margarette Jung,  
Sara Stahl,  
Dorothy Klein,  
Ernestine Bockle,  
Jacobina Klein,  
Magdalena Ehman,  
Maria Forstner,  
Wilhelmina Fischer,  
Barbara Killinger,  
Anna Katharine Fischer,  
Katharina Laubscher,  
Catharina Schmidt,  
Marg't Barbara Martin,  
Kredericka Schmid,  
Katharina Erb,  
Eva Fruh,  
Veróna Weinberg,  
Margaret Martin,  
Barbara Fischer,  
Jacobina Schmid,  
Wilhelmina Durwachter,  
Fredericka Schmid,

Eugena Bauer,  
Margaret Trantwein,  
Regina Schafer,  
Salome Erb,  
William Erb,  
Lewis Erb,  
Frederik Zeltmann,  
Jeremias Stag,  
Peter Stag,  
William Stag,  
Margaret Kraus,  
Elizabeth Fruh,  
Caroline Erb,  
Marzellus Heinle,  
Jacobina Fauth,  
Elizabeth, Fauth,  
George Ziegler,  
Franz Ziegler,  
Leonard Siegler,  
Philippe Laubscher,  
Jacob Laubscher,  
Katharina Killinger,  
Olena Killinger,  
Jacob Stahl, 2d,  
Gotlieb Bentel,  
John Fritscher,  
Jacob Fritscher,  
George Fritscher,  
Christoph Martin,  
Gotlieb Bentel, 2d,  
David Laiss,  
Rudolph Wolfer,  
Christian Martin, 2d,  
Henry Knapper, 2d,  
Christian Martin, 2d,  
Rudolph Keller,  
Jonathan Wagner,  
John Rocher,  
Eva Jung.

## BANK OF THE UNITED STATES.

January 17, 1832.

Sir: I have had the honour of receiving your letter of the 12th instant, enclosing a copy of the resolutions of the Senate of the United States of the 11th instant, and in compliance with it, I now transmit the accompanying documents.

The first resolution requires "the names and titles of the foreign stockholders in the Bank of the United States, with the amount of stock held by each." The statement marked A, furnishes that information.

The second resolution requires "the amount of debts due from individuals and bodies corporate to the Bank of the United States, distinguishing the amount secured by mortgage from that secured by personal security alone: and what portions of said debts are considered as standing accommodations to the customers the bank and all its branches." The statement marked B, contains this information.

The amount of debts secured by mortgage, in the statement, relates exclusively to the bank. The amount of debts similarly secured at the branches, is not reported, unless specially required. In order to comply with the resolutions, instructions have been given to the officers, and when their reports are received, the additional statements will be transmitted to you.

At the bank, no debts are considered as standing accommodations. The offices will be instructed to report what portion of their debts are so considered, and the result will, in like manner, be forwarded to you.

The third resolution requires "a list of the directors of the bank, and of the several branches; a statement of the stock held by the citizens of the United States, with the number of shares held by each, and the amount of specie, according to the last return, in the vaults of the bank and its branches, distinguishing the part which

belongs to the bank, the portion belonging to individuals, and to the United States." The statements marked C, D, and E, furnish this information. In regard to the last, the bank has no specie in its possession which does not belong to it.

I have the honour to be,

Very respectfully, yours,

N. BIDDLE, President.

Hon. LOUIS M'LANE,  
Secretary of the Treasury, }  
Washington, D. C. }

The following is an abstract of an interesting report, recently presented by the Secretary of the Treasury to the Senate, respecting the United States Bank:—

The Secretary of the Treasury, dated January 23d, in compliance with a resolution of the Senate, directing him to communicate, if able, a list of the foreign Stockholders in said Bank—the amount of debts due the Bank and its Branches, from individuals and bodies corporate—a list of the Directors of the Bank and its several Branches—the names of the domestic Stockholders, with the amount held by each, and their places of residence. The Secretary of the Treasury not having in his possession the means of answering these inquiries, addressed a note to the President of the Bank, soliciting the information, which was promptly furnished.

It appears that the amount of stock held by foreigners, is 84,055 shares; equal to \$8,405,500, without including the premium. The heaviest foreign Stockholders are as follows:—*Journal of Com.*

	Shares.
Baring, Brothers, & Co.	7915
John Marshall,	3878
Charles Dixon,	2500
Thomas Coterall, et. al. trustees,	1829
Sparks, & Co.	1236
Benjamin Heywood,	1784
Jonathin Austin,	1200
Francis C. S. Conway, Marquis of Hertford,	1003
James Drake, Havana,	1000
Abel Smith,	1000
John Martin & Co.	924
Don Jose Zafre,	900
Samuel Sherwood,	875
James Pierson,	864
Cropper, Benson & Co.	815
Robert Philips,	800
Gen. Sir William Keppel,	722
Ann Redfeen,	716
Maj. Gen. Macdonald,	649
Mrs. Condelaria Bell,	637
Lord Erie Reery,	600
John Van Haize,	593
James H. William, P. & Wm. H. Anderson,	550
Thos. P. Ackland,	540
Thomas Sexton,	538
James Brown Leeds,	537
Edward Ball Hughes,	510
Sir Edward Tucker,	502
J. L. Lane,	500
E. Steth,	500
Lt. Gen. Sir Marmaduke W. Peacocke,	500
John Overend,	500
Hudson Gurney,	500
R. & J. T. Barclay,	500
Sir Colin and Sir Richard H. Campbell,	371
Rev. Geo. Gordon, D. D. Dean of Lincoln,	311
James Dunlop,	300

There are 30 40 others, besides those we have enumerated, holding from 300 to 500 shares. The whole number of foreign stockholders is 470.

The amount of bills discounted by the Banks and its Branches, on personal security is	\$48,758,570 54
Bills discounted on funded debt,	18,850 00



Bills on Bank stock,	731,157	53
Domestic bills of exchange,	16,691,129	34
Mortgages,	205,396	69
Total,	\$66,405,103	87

Due from State Banks, 3,944,847 74

The domestic stockholders, of the Bank are as we count them, 3602 in number, residing in the following States. The number of shares held in each State, is given in the second column.

States.	No. of Stockholders.	No. of Shares.
Maine,	14	498
Vermont,	2	27
New Hampshire,	24	511
Massachusetts, { Besides Boston	53 }	11,175
{ Boston,	158 }	
Connecticut,	60	1,539
Rhode Island,	36	1,218
New York, { Besides the city,	69 }	30,881
{ City,	373 }	
New Jersey,	75	2,787
Pennsylvania,	872	51,028
Delaware,	42	1,531
Maryland, { Besides Baltimore,	119 }	34,237
{ Baltimore,	505 }	
District of Columbia,	61	2,725
Virginia,	268	11,617
North Carolina,	36	2,391
S. Carolina, { Besides Charleston,	176 }	40,242
{ Charleston,	554 }	
Georgia,	42	1,981
Ohio,	14	556
Kentucky,	22	252
Tennessee,	5	258
Indiana,	2	50
Illinois,	2	167
Louisiana,	17	119
Arkansas,	1	42
Dom. Shareholders,	3602	Shares 195,620
Foreign Shareholders,	470	84,855
United States,		70,000
In transitu between the different Transfer Officers,		325
Total,		350,000

These, at \$100 each, makes the amount of capital, viz: \$35,000,000. Present premium per share, \$124½ to \$124¾. Some of the largest domestic stockholders are as follows:

Stephen Girard,	6331
Charles Carroll, of Carrollton,	2683
Robert Ralston, of Philadelphia,	2026
Wm. J. Barksdale, Virginia,	1500
Bernard M. Carter, Pennsylvania,	1417
John Potter, South Carolina,	1400
Wm. G. Bucknor, New York,	1168
Don Francis Layzier, do.	1150
Peter Harmony, do.	957
Lewis Kershaw & Co. S. C.	942
John G. Coster, New York,	900
Mills Smith, do.	875
Lemuel Taylor, Maryland,	860
Clendening, New York,	850
Don Francis de Lazua, do.	850
B. & J. Bohlen, Pa.	839
Daniel C. Verplank, New York,	805
Stephen Bulkley, S. C.	800
P. Brown, N. C.	787
Wm. Patterson, Md.	730
Robert Gilmore, do.	703
Mrs. Ann Donnell, do.	700

Prime, Ward & King, N. Y.	683
Wm. Coleman, Pa.	680
John Gibbs, do.	650
Brown, Brothers & Co.	650
Thomasas C. Vanderhout, S. C.	638
James D. Wolf,	632
Wm. Brown, Pa.	630
Gardner Greene, Boston,	600
Col. Wm. Alston, S. C.	600
Wm. Wightman, do.	600
Isaac Smythe, Md.	581
Coster & Carpenter, N. Y.	531
Thomas P. Copc, Pa.	520
Paul Beck, Jr. do.	513
Mrs. Mary Ann Gilmore, S. C.	510
Robert F. Stockton, N. J.	500
Wm. Alkin, Charleston,	500

The amount of specie on hand at the Bank of the United States, and its several Branches, on the 1st of Jan. 1832, was as follows:—

Bank United States,	\$2,811,640	83
Office Portland,	70,452	22
“ Portsmouth,	50,011	78
“ Boston,	328,377	58
“ Providence,	102,627	74
“ Hartford,	28,094	00
“ New York,	664,686	64
“ Baltimore,	228,000	00
“ Washington,	54,610	54
“ Richmond,	197,212	02
“ Norfolk,	112,159	38
“ Fayetteville,	18,943	75
“ Charleston,	271,468	80
“ Savannah,	376,642	24
“ Mobile,	153,671	72
“ New Orleans,	510,346	06
“ Natchez,	57,825	83
“ St. Louis,	136,897	51
“ Nashville,	167,866	36
“ Louisville,	217,431	25
“ Lexington,	91,513	28
“ Cincinnati,	111,028	17
“ Pittsburg,	31,809	84
“ Buffalo,	105,232	46
“ Utica,	67,750	66
“ Burlington,	72,422	48
Agency Cincinnati,		
Agency Chillicothe,		

Total, \$7,038,823 12

From the MS. documents in possession of the

# **HISTORICAL SOCIETY OF PENNSYLVANIA.**

## *A Proclamation concerning the Caves of Philadelphia,*

*By Wm. Penn, Proprietor and Governor, &c.*

WILLIAM PENN, PROPRIETOR AND GOVERNOR,

Whereas I did at first in regard of the infancy of things and especially out of tenderness to the poorer sort permit divers caves to be made in the Bank of Philadelphia fronting Delaware river for a present accommodation, and perceiving that they are commonly disposed of from one to another, as a kind of property, and taking farther notice of the great detriment that is like to issue to the street by the continuation of them as well as the disorders that their great secrecy hath given occasion to loose people to commit in them, I do hereby desire and strictly order and warn all the inhabitants of the said caves to depart the same within two months after the publication hereof, and require my trusty and loving friends and commissioners. William Markham, Thomas Ellis and John Goodson, or any two of them to see that the same be accordingly effected. And that no damage may re-



dound to the public, by my former indulgence, the said commissioners are hereby ordered to cause a survey to be taken of the state of the said caves, that such who have lived in them may be obliged to secure the Bank and state from any damage that may happen from them. It being but a reasonable thing that those who have had the benefit thereof should indemnify the public, of which all persons concerned are to take notice and yield their due obedience as they will answer the contrary at their peril.

Given at Worminghurst Place, in Old England, the 24th of the 11th month, 1686.

John Key being the first born in Philadelphia, petitions the Board that according to the proprietary's promise it is said he may have a lot in the city and 500 acres of land granted him being now of age. A warrant from the proprietary's dated 26th, 3d month, 1683 appears for a lott to his father, which they say was laid out in Mulberry street. Ordered therefore that a warrant be issued for re-surveying these lots, but nothing appearing for the further aforesaid pretended promise of land 'tis referred to the Proprietary.

8th month, 22d, 1705.

From the Minute Book of the Commissioners of Property. page 284.

The following document appears to have been a letter of introduction in favor of the "Free Society of Traders," from William Penn to the Indians, under the Title of the "Emperor of Canada." On page 396 of vol. 1. of this work, will be found a letter to the same personage, from N. More, the president of that Society, dated two days earlier than the present letter, and which is probably the one alluded to in the preceding paper.

#### TO THE EMPEROR OF CANADA.

The Great God that made thee, and me and all the world incline our hearts to love, peace and justice that we may live friendly together as becomes the workmanship of the great God. The King of England who is a great prince hath for divers reasons granted to me a large country in America which however I am willing to enjoy upon friendly terms with thee. And this I will say that the people who comes, with me are a just, plain, and honest people, that neither make war upon others, nor fear war from others because they will be just. I have set up a Society of Traders in my province to traffick with thee and thy people for your Commodities that you may be furnished with that which is good at reasonable rates: And that Society hath ordered their President to treat with thee about a future Trade, and have joined with me to send this messenger to thee with certain presents from us, to testify our willingness to have a fair correspondence with thee: And what this Agent shall do in our names we will agree unto. I hope thou will kindly receive him and comply with his desires on our behalf both with respect to Land and Trade. The Great God be with thee. Amen.

WM. PENN.

PHILIP THEODORE LEHMAN, Secretary.  
London, the 21st day of the Fourth month, }  
called June, 1682. }

The foregoing is a copy of an original document remaining in the Land Office of Pennsylvania at Harrisburg.  
S. WORKMAN.

#### REPORT ON IRON.

The Speaker laid before the Senate a letter from the President of the Board of Canal Commissioners, viz:

HON. WILLIAM HAWKINS,

*Speaker of the Senate.*

SIR—In the reply to the resolution of the Senate of the 31st January last, requiring the canal commissioners to furnish to the Senate a statement of the quantity of iron contracted for by them for rail-road purposes, the price per ton agreed to be paid, of whom and when purchased, and whether of American or foreign manufacture, the canal commissioners have the honor to

#### REPORT:

That they invited proposals by public advertisement, for furnishing iron for 32½ miles of single track of the Columbia and Philadelphia rail-road: the proposals to be received at Downingtown, on the 11th of May last. A few persons only offered to furnish iron, and their offers were predicated upon importing the iron from England. Not one proposal was received to furnish the iron of American manufacture.

Three hundred and twenty tons of flat bars, for laying 10 miles upon the Eastern division, sill plan, have been contracted for with Haven and Smith, shipping merchants, of Philadelphia. The whole of this iron has been contracted for in England, at £6 17 6, per ton. The contract was entered into on the 18th day of July last, stipulating that the contractors are to make purchases in England on the most favorable terms for the commonwealth, and to be paid the amount of cost and charges, with two and a half per cent commission, upon the iron being landed on the Wharf at Philadelphia; of this parcel 178 tons, 3 cwt. 1 qr. 21 lbs was delivered before the closing of the Delaware, this quantity is settled for and cost \$8729 79 or at the rate per ton of \$48,94½. It is understood that this is lower by some dollars per ton than the cost of any rail road iron heretofore imported. It has been ascertained that the balance of this contract is now in vessels at the capes and upon the clearing out of the ice will be landed at Philadelphia.

A contract was also made on the 18th of July, 1831, with A. and G. Ralston, Shipping Merchants of Philadelphia, for 1335 tons of iron edge rails, to be used on ten miles of the Eastern division, and on thirteen miles of the Western division—also, for 432 tons of castings for pedestals or chairs and the requisite quantity of pins and wedges to be used in laying down the single track-way of the above 23 miles under the stone block and edge rail plan. The contract stipulates that the Contractors are to make the necessary purchases in England on the most favourable terms for the Commonwealth, have the iron manufactured and shipped, with the least possible delay; and that they are to be paid upon its being landed in Philadelphia, the amount of the costs and charges, together with two and half per cent. commission. One of the partners is now in England, attending to the manufacture and shipping of this iron, advices from whom have lately been received, stating that a contract has been entered into in England, for furnishing the iron edge rails, at £6 17 6 per ton, from which it will be perceived, that the whole of the railing has been contracted for at the same price. A part of the edge rails has been shipped and would have been landed, had not the river Delaware closed at an earlier period than usual. The exact cost per ton of the edge rails cannot be ascertained at the present time. The price can however vary but little from that of the flat bars and the variation if any, it is presumed will only be caused by a difference in the price of freight.

By order of the Board of Canal Commissioners,  
JAMES CLARKE, *President.*



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. IX.—NO. 8. PHILADELPHIA, FEBRUARY 25, 1832. NO. 217.

## FIRST SETTLEMENT OF COLUMBIA.

From MSS. documents in possession of the Historical Society of Pennsylvania.

A brief statement of facts relating to the first settlement of COLUMBIA, Lancaster county, Pennsylvania, by ARTHUR B. BRADFORD, who says in his letter accompanying the communication, that "the facts were gathered chiefly from a manuscript journal, belonging to the great grand-daughter of Robert Barber, the first settler."

### *Recollections of the First Settlement of Columbia, Lancaster County, Pa.*

About the year 1726-7, Robert Barber of Chester, came to this place, and took up (as it was then called) 1000 acres of land on the river Susquehanna, (purchased I think from Jeremiah Langhorne, the agent of the proprietor,) bounded north by Chiques hill, S. E. by what was afterwards called Patton's hill. The journey from Chester in those days was thought a very great undertaking, the country being uninhabited by any except Indians, whose wigwams were scattered promiscuously. In the following year, (1728,) three farmers actuated by a laudable spirit of adventure, came from Chester to make their homes in the wilderness. Samuel Blunston, the richest of the three, purchased 500 acres of the land taken up by R. Barber, next the North Hill: he built on the rising ground occupied at present by Samuel Heise. The house was torn down a few years since, to make room for the building which now stands on the spot. John Wright, took the middle part (about 200 acres;) he built where Misses E. and A. Wright now reside, (2d st. opposite the Catholic chapel.) The house has been much altered and repaired, but the greater part of it is still the same he built. He came from Manchester, England, among the early settlers in 1714; was a preacher in the Friends' Society, and was judge of the county court for many years. Robert Barber retained the remaining 300 acres next the lower hill—he came from Yorkshire, England—he followed the sea for many years, and had been a prisoner in France. He built the brick house now occupied by John Hinkle—he was sheriff of the county, and it was intended the seat of justice should have been here, in consequence of which he built a prison near his house—a strong log building, which was pulled down not many years since. James, afterwards Sir James Annesley, was once confined there, having run away from his master, (his story is well known.) R. Barber had a son bearing his own name, who built a house which has

gone. There were no pine boards for architecture as at the present day; and the joists, window and door frames were made of oak; what little pine was in it, was obtained from logs found in the river, and sawed at a mill on Strickler's Run, owned by Nathaniel Barber. There was also a fulling-mill on the same stream owned by S. Barber. The land back from the river was settled principally by Germans; Forry's, Strickler's, Sherrick's Guber's, &c. Their first purchase was from an old woman named *Mary Ditcher*, who used to go through the country making what was then called *improvements*—a few sticks piled together, a fire kindled, and a pot hung over it, constituted a first right. Those who could pay for the land had first choice, but these improvements were generally bought for a trifle by those able to pay for the lands. This old Mary Ditcher seems to have been rather a singular personage. She is described as wandering through the woods, leading an old horse, her only property, with her knitting in her hand, and clad in a garment chiefly of sheepskin. This was called Hempfield township, from the great quantity of hemp raised there. The township below was called *Manor*, from lands reserved by the proprietors, and called in imitation of the English custom, the Proprietor's Manor. The settlers adjoining were Irish families named Patton, who gave name to the hill and the current below, called Patton's current. It has been said there was once a great slaughter of the Indians at that place, by a party of cruel men headed by a person named Bill. In the neighbourhood, were many places said to be the graves of the Indians, and it was believed that a piece of cannon lay sunk in the current. Below this the settlers were Germans—Stine-man's, Kauffman's, Hare's, Kupley's, &c. The township above was called Donegal by the Irish settlers, Anderson's, Cook's, Tate's, Hays's. Anderson's ferry, where Marietta now stands, is well known. Many changes have taken place since the first selling of the lands. Where Robert Barber first built, there was an island opposite the land, with large trees growing on it, but since torn away by the ice. The winters being very severe the ice was very thick, and in the general breaking up those trees were gradually torn up, and carried off. At such times the water rose to a great height above where the row of storehouses now stands. The old Indians said, they remembered the river rising to the second bank with a break of ice; and Mr. Barber has ploughed up musel shells, at that distance from the river. Near the point of Turkey hill, were what was called the *shad rocks*; where shad were caught with dip nets, every one paying a set price for a dip. The first shad caught with a seine, was between 1760 and 65, on



the east side of the river below the old ferry course. A sturgeon was once caught in a fish basket in the lower falls.

The ferry across the Susquehanna was very early established. Two large canoes lashed together were used at first to take a wagon across, which had to be unloaded. In 1750, it was much improved and rented for £100 per annum, with the ground attached to it.

John Wright's stone house was built between 1740-50, also the little stone mill at the mouth of Shawnee run, (still standing,) this latter was built by James Wright. There was flour made at this mill, for the use of Braddock's army—it was packed in small casks for the purpose, and carried on pack-horses, a cask on each side—it was taken to what was then called Raystown and fort Duquesne, (now Pittsburg.)

The people who had hired a time with the owners of the lands, or had been much employed by them, seemed to claim a kind of patronage from their masters, and usually contrived to get a small house with a garden, and potatoe patch. Their rent was so many days work in harvest, or other farmers work: many of them were tradesmen—weavers, shoemakers; and were paid for their work in grain, &c. Harvest wages were half a bushel of wheat; raising grain was not the principal object with the farmers, for there was no market for it: hops and hemp were the sources of profit. Many of these persons were Germans (redemptioners.) The first Friends' meeting-house was built in the upper part of the town, (Union street,) Catharine Peyton and Mary Peasley, ministers from Ireland, held meeting there—they travelled on horseback.

In the fall of 1755, the inhabitants were greatly alarmed on account of the Indians. Braddock's army had been defeated and dispersed the preceding summer, and it was reported that the Indians were collecting a large number of bark canoes at the head of the Susquehanna, and were coming in great force to destroy all before them. The inhabitants were struck with fear at the slightest noise during the night, as they hourly expected the Indians coming down upon them. At last they agreed to take the women and children to Philadelphia. They rented a large house to accommodate all, and late in the autumn five families and their attendants, in all about thirty, left their homes through fear of the Indians. The men remained however, some of them going occasionally during the winter to visit their families. The few Indians who were on friendly terms with the whites, were also struck with fear at the expected invasion, and in consequence fled to Philadelphia, where one of the lobbies of the old state house was allowed them for a place of residence. The whites who remained, fortified the stone house belonging to John Wright, which was the strongest in the place. The winter passing without an assault from the hostile Indians, the families together with the peaceable Indians, returned in the spring to their homes. The town has never been disturbed by hostile Indians since its first settlement.

In December 1763, the massacre of the poor Conestoga Indians took place. They were called Conestoga,

but there were, also among them of the Shawnee tribe. There was one called *Shawnee John*; and the little run on whose banks they built their huts, is still called Shawannah (Shawnee) run. They were here when the first white settlers came; were entirely peaceable and seemed as much afraid of the other Indians as the whites were—they were great beggars, very intimate with and much attached to the whites—naming their children after their favourite neighbours. The government of Pennsylvania had got into other hands, and the mild and peaceable nature of the administration of Penn was changed for one more hostile to the poor Indians. The Friends did all they could to prevent it, but in vain. Many thought they ought to be destroyed unceremoniously. Accordingly a company of Presbyterians, from Paxtang township, under the name of the Paxton Boys, determined to come by night and massacre promiscuously the poor Indians, at their town about nine miles off, near Turkey hill. Previous to this the Indians complained that they were suffering. They were afraid to go any distance from their town to sell their little wares, as the people began to threaten them. In consequence of this, James Wright and a German named Herr, who lived near the Indian town, were appointed by government, to supply them with flour, and other things necessary to their subsistence. They were advised to keep in their town, their christian neighbours sympathizing with them: the most of these were Germans of the Menonist Society, whose principles like the Friends', are against war or violence of any kind.

Such was the situation of things, when on a snowy morning in December, 1763, a German neighbour came to Robert Barber's house, and requested him to go with him in pursuit of some ones who had been at his house the night before, and whom he called robbers. They had behaved in a very disorderly manner, such as melting the pewter spoons on the stove, &c. Mr. Barber, supposing it had been some persons in a frolic, advised his friend to take no notice of it. He had scarcely left the house, when five or six men came in, very cold, their great coats covered with snow and wet. They left their guns standing outside. Mr. Barber was not personally acquainted with them, though he knew from what part of the country they came. He made up a fire to warm, and treated them to the customary morning refreshments. While they warmed themselves, they inquired why the Indians were suffered to live peaceably here—Mr. Barber said they were entirely inoffensive, being on their own lands, and injuring no one. They asked what would be the consequence if they were all destroyed? Mr. Barber said he thought they would be as liable to punishment as if they had destroyed so many white men. They said, *they* were of a different opinion, and in a few minutes went out. In the mean time, however, two sons of Mr. B. about 10 or 12 years old, went out to look at the strangers' horses, which were hitched at a little distance from the house. After the men went, the boys came in and said they (the men) had tomahawks, tied to their saddles, which were all bloody, and that they had Christy's gun, (Christy was a little Indian boy about their own age—they



were much attached to him, as he was their playmate, and made their bows and arrows, and other means of amusement.) While the family all wondered what it could mean, a messenger came from Herr, giving information of the dreadful deed. Mr. Barber and some others went down to see the extent of the massacre. Shocking indeed was the sight!—the dead bodies of fourteen poor Indians lay among the rubbish of their burnt cabins, like half consumed logs! Mr. B. after some trouble, procured their bodies to administer to them the rights of sepulchre. It was said, that at the beginning of the slaughter, an Indian mother placed her little child under a barrel, charging it to make no noise—a shot was fired through the barrel, which broke the child's arm, and still it kept silent. The rest of the Indians to the number of 28, who were absent from the town at the first massacre, were collected together to be reserved for a still more distressing fate. They were put into the jail at Lancaster, for safety, as it was said; but the merciless wretches not satisfied with their first work, went thither, and (not in spite of opposition, for there was none made,) broke open the jail, and cruelly and inhumanly, in the most shocking manner destroyed them all—old men, women, and children. There was at the time, a company of Scotch Highlanders quartered in Lancaster—their commander (Capt. Robinson,) pleaded for orders from the authorities to defend the jail, promising that none on either side should be hurt, but the magistrates could not be found, though the event occurred in day light—whether through fear or that they connived at it was never known. Their excuses seemed too trifling to be admitted—one could not find his wig, and things of as little importance were pleaded in extenuation of their guilt. An Episcopalian minister in Lancaster, wrote, to vindicate the conduct of the magistrates, bringing scripture to prove that it was right, to destroy the heathen—and many others were of the same opinion.

The Paxton Boys after this dreadful and inhuman slaughter, made their boast, that now having procured so many scalps, they would go to Philadelphia and let the Quakers share the same fate. They went, and the consequence is well known.

It has always seemed strange that these men should have been suffered to go unpunished. The disordered and chaotic state of the colony at that time prevented, however, the speedy and impartial administration of justice.

It was believed, however, that all or most of them, came to an untimely end. There was an Indian named Bill Sock, who it was said, had been up the river, with the hostile Indians who committed outrages on the whites during the preceding summer, and that the whites were actuated by a spirit of retaliation in the massacre of the Conestogas. But this statement, (which would afford but a trivial excuse for civilized men, acting in such a cruel and inhuman manner if true,) is however false, as Bill Sock was during that summer in the employ of Robert Barber.

In the year 1757 or 8, a physician (Dr. Moore,) came

from Philadelphia to inoculate the children who never had had the small pox; being all connected they were taken to one house, to make it convenient for the Doctor. He had forty patients—one or two that did not take the small pox, by inoculation, died; the rest all did well. It was the opinion then, that it would be wrong to inoculate the second time, lest the subject should take the disease the natural way, and have a double portion.

Shortly after this date, the tranquillity of the town was disturbed by the revolutionary movements; great excitement was felt here, and as the inhabitants were moved by a patriotic spirit, having no, or few arms of any kind, their trainings in particular for war, were performed with sticks, &c.

From this date, the history of the place is on record.

### AFRICAN EDUCATION SOCIETY.

At a meeting of the coloured people of the city and vicinity of Pittsburg, convened at the African Church, on the evening of the 16th Jan. 1832, J. B. Vashon, was appointed Chairman, and Lewis Woodson, Secretary.

The object of the meeting being stated by the Chairman, after some further deliberation, the following Preamble and Constitution were adopted.

#### PREAMBLE.

Whereas, ignorance in all ages has been found to debase the human mind, and to subject its votaries to the lowest vices, and most abject depravity; and it must be admitted, that ignorance is the sole cause of the present degradation and bondage of the people of colour in these United States; that the intellectual capacity of the black man is equal to that of the white, and that he is equally susceptible of improvement, all ancient history makes manifest; and even modern examples put beyond a single doubt.

We, therefore, the people of colour, of the city and vicinity of Pittsburg, and state of Pennsylvania, for the purpose of dispersing the moral gloom, that has long hung around us; have, under Almighty God, associated ourselves together, which association shall be known by the name of the *Pittsburg African Education Society*, which shall have for the direction of its government, the following

#### CONSTITUTION.

ARTICLE 1. There shall be a President, Vice-President, Secretary, Treasurer and Board of Managers, consisting of five, each of whom shall be elected annually by the members of the Society, at its annual meeting, and shall continue in office until their successors are appointed.

ART. 2. It shall be the duty of the President, to preside at all meetings of the society, and of the Board of Managers; to preserve order in its deliberations, and to put all motions, when duly made and seconded, to the decision of the meeting; to sign all orders on the Treasurer for money. In the absence of the President, the Vice-President shall perform his duties.

ART. 3. The Secretary shall keep a fair record of all the proceedings of the society, and of the Board of Managers, in a book to be furnished him for that purpose, and shall file and keep all papers of importance to the society; and at the expiration of his office, shall deliver over to his successor, all books and papers in his care, belonging to the society.

ART. 4. The Treasurer shall keep all moneys and other property belonging to the society, committed to his care, and shall keep a fair account thereof, in a book to be furnished him for that purpose. His books



shall be open for inspection at any meeting of the society, or of the Board of Managers; and at the expiration of his office, he shall deliver over to his successor, all moneys and other property in his possession, belonging to the society.

ART. 5. It shall be the duty of the Board of Managers, to transact the business of the society during its recess, and to purchase such books as the society may, from time to time, direct. When the society may deem it expedient, they shall have power to raise money by subscription or otherwise, to purchase ground, and erect thereon a suitable building or buildings for the accommodation and education of youth, and a hall for the use of the society. They shall have power to make, alter, or abolish all by-laws and regulations necessary for their government; and to do whatever else may be conducive to the best interests of the society.

ART. 6. The President, Vice-President, Secretary, and Treasurer, shall be members of the Board of Managers, any five of whom shall constitute a quorum to do business.

ART. 7. Any person subscribing his name to this Constitution, and paying into the hands of the Treasurer the sum of two dollars, shall be a member of this society, which sum the Society may alter, from time to time, as they may see fit.

ART. 8. The Annual Meeting of the society shall be on the third Monday in each year, and its Monthly Meeting, on the second Monday in each month.

ART. 9. No alteration shall be made in this Constitution without the concurrence of two thirds of its members.

The following persons were elected Officers of the Society for the ensuing year.

JOHN B. VASHON, *President.*

JOB B. THOMPSON, *Vice-President.*

LEWIS WOODSON, *Secretary.*

ABRAHAM D. LEWIS, *Treasurer.*

RICHARD BRYANS,

WM. J. GREENLY,

SAMUEL BRUCE,

MOSES HOWARD,

SAM'L CLINGHAM,

} *Board  
of  
Managers.*

## CABINET OF NATURAL SCIENCE.

### FIRST ANNUAL REPORT.

PUBLISHED BY ORDER OF THE SOCIETY.

At a stated meeting of the Cabinet, held on the 31st day of December, 1831, Daniel H. Mulvany, from the committee appointed for the purpose, submitted the following Report, which was approved, and ordered to be published:

At the last stated meeting a Committee was appointed to prepare a Report on the present state of the Cabinet of Natural Science of Montgomery county. In discharging this duty, the committee will premise that, as this is the first Annual Report ever made on the subject, the occasion is deemed appropriate to take a brief view of the formation of the Cabinet, its progress up to the present period, and the purposes for which it was instituted.

Perhaps the existence of similar institutions in some of our neighbouring counties, and a conviction of their utility in a public and individual point of view, first suggested to some of our citizens the idea of establishing a Cabinet of Natural Science in Montgomery county.—But it was not until a series of lectures had been delivered in this borough by Peter A. Browne, Esq. of Philadelphia, whose merits as a geologist are extensively known and appreciated, that any effectual measures were taken for the formation of a Society for the cultivation of natural science. The interest which this

gentleman, in his lectures, imparted to the subjects of geology and mineralogy, awakened in the minds of many a desire to become acquainted with those and other branches of natural science, and the facilities which the institution of a Cabinet would afford, in the acquisition of natural knowledge, were too apparent to be overlooked.

The first public meeting to take into consideration the utility of forming a society for the promotion of natural science, and for the establishment of a collection of specimens, in the animal, vegetable and mineral departments of nature, was held at the house of Mr. Levi Roberts, in Norristown, on the 7th day of August, 1830. At this meeting a committee was appointed, and instructed to invite, through the medium of the public papers, the attention of the citizens of this county, to the objects contemplated by the meeting. In discharge of their duty, the committee prepared and published an able address on the subject they were instructed to present to the public, which had the effect of securing the co-operation of many intelligent individuals in accomplishing the object proposed—the formation of a society for the cultivation of natural knowledge. In their address which is dated August 20, 1830, the committee requested the attendance of those disposed to become members of such a society, at a meeting designated to be held at the house of Levi Roberts on the 4th day of September next, subsequent to the date of the address. At that time and place a meeting was accordingly held, and a committee of five were appointed to prepare articles of Association and Bye Laws for the consideration of the next meeting, which, pursuant to a resolution, was to be held at the same place on the 16th of the same month, September, 1830. When the time of meeting arrived, the committee to whom the duty was entrusted, submitted articles of Association, which, after some slight alterations, were unanimously approved and adopted. With regard to the Bye-Laws, the committee were continued, to make their Report at a future meeting—and they were subsequently discharged from the further consideration of the matter, until the charter of incorporation, which had been applied for, could be obtained from the proper authorities. Pursuant to the 10th article of association reported by the committee, and in accordance with a resolution passed by the meeting, the following officers were chosen, until the next annual election which is to be held this day. President—Jonathan Roberts. Vice Presidents—George W. Holstein, Joseph Foulke. Corresponding Secretary—Thomas M. Jolly. Recording Secretary—Alan W. Corson. Librarian—Daniel H. Mulvany. Curators—John Freedley, Philip Kendall and Joseph Thomas. Treasurer—John S. McFarland. Auditors—Charles Jones, George W. Thomas and Hiram Corson.

The society being thus organized, such committees were appointed at subsequent meetings, with specific duties assigned them, as were judged expedient to carry into effect the objects of the association. The treasurer, to whom the duty of procuring the charter of incorporation was entrusted, reported at the stated meeting in April, 1831, that the articles prepared for the purpose had been signed by the Attorney General, the Judges of the Supreme Court and the Governor, and the charter was therefore perfected. A committee was then appointed to prepare Bye-Laws for the regulation of the society. These were submitted at a stated meeting in July, 1831 and adopted. A committee was also appointed to ascertain and mark the site of the Observatory, erected and used by the celebrated David Rittenhouse, and which, since the death of that philosopher, had been suffered to fall into a state of delapidation. This committee reported at a stated meeting in June last, that through the politeness of the venerable Maj. Joseph Armstrong, they were shown the remains of a stone building which, according to the account of Maj. Armstrong, whose veracity is to be relied on, was the same used by Mr. Rittenhouse as an Observatory. It is situ-



ated in the township of Norriton, about two and a half miles from this borough.

Since the organization of the society considerable progress has been made, in the collection of appropriate specimens for the different departments of the Cabinet. The mineralogical department is gradually receiving an accession to the number of its specimens, which at the present time is about 300. For a considerable portion of these—some of which are European—the society is indebted to the kindness and liberality of Peter A. Browne, Esq. whose exertions in behalf of the Cabinet have contributed much to elevate the character of the institution. A number of specimens have also been presented by Mr. Joseph Thomas, now Cashier of the Pottsville Bank, who was formerly one of the Curators, and whose active and efficient co-operation aided much the foundation of the present society. Many other individuals also, not connected with the society, have evinced their good will, and an interest in its behalf, by donations of specimens—and among these the munificence of Charles A. Poulson, Esq. is gratefully acknowledged. This gentleman has designed for the Cabinet a splendid collection of insects, from China, which are understood to be now at West Chester; and as soon as measures can be taken to have them forwarded to this place, they will form a most valuable acquisition to our museum.

In the Botanical department, we have specimens of nearly five hundred plants, which are either indigenous or naturalized in Montgomery county. For the herbarium comprising these plants the society is indebted to the kindness of Miss Hannah Corson, whose donation in this respect is the more valuable from the circumstance that no addition has been made to the collection of plants made and presented by her to the Cabinet. The fact however, that nothing has been added to the result of her labours, it is hoped will have the effect of directing the attention of the members to the cultivation of this science, and of impressing on their minds the utility of procuring specimens in botany. If the members would form themselves into several parties, each party, exploring a particular section, a general herbarium might be collected of all the plants of Montgomery county. Nor would this be the only result of such an undertaking. In a general botanical excursion throughout the county, its mineral treasures might be explored, and specimens procured, without encroaching much on the time devoted to the purpose, or adding much to the labour, of collecting specimens for the herbarium. The duplicates too, which might be obtained in this way, would enable us to furnish specimens to other Cabinets and to scientific individuals, in return for their favours—and by thus exchanging the natural productions of our own section of the county, for those collected in neighbouring and distant parts, the interests of our institution would be materially promoted.

The Library at present contains about 20 volumes, among which are Godman's Natural History, Say's Entomology, one volume of Audubon's Ornithological Biography, &c.

Of the minerals which have been collected by the members, or presented by others, but few comparatively have been obtained within the borders of our own county. When it is recollected, that one of the primary objects of our association is, to procure materials for a complete history of the natural productions of this county—to be enabled to display at a glance, to those who shall do us the favour to visit our Cabinet, the animals, insects, fishes and birds which inhabit within its limits, and particularly those which are least familiar to the common eye—the vegetable plants which are the spontaneous growth of our soil, and the mineral treasures lying on its surface, or imbedded beneath it—it is to be regretted that specimens of these various articles have not been more generally procured. With regard to mineral wealth, our own is a highly favoured county. We have inexhaustible quarries of limestone, inferior

in quality to none in the state, extensive beds of excellent marble, and iron ore, and mines of copper, lead and zinc. There is reason to believe that even these have not been fully developed, and that there are large quantities of the same kind of minerals yet undiscovered. Perhaps it is not too much to expect that our Cabinet may yet be the means of conveying an accurate knowledge of the true extent of our resources, in respect to those minerals, and developing other treasures which now remain imbedded in the earth, their nature, properties, and the uses to which they might be applied, being alike unknown.

In several of the branches of natural science—Ornithology, Entomology, &c.—it must be confessed, we have as yet accomplished little or nothing; but there is reason to indulge the hope that during the ensuing year these important subjects will receive a due share of the attention of the members. The prospect before us is certainly encouraging—and if, in speaking of our operations, we have to lament that some of the most important branches of natural science have been partially neglected, yet if we contemplate for a moment the difficulties we have already encountered and overcome, and the ennobling purposes for which our Cabinet has been instituted, we will find, in these considerations, the highest incentive to hope that our efforts, in cultivating and promoting a knowledge of the natural sciences, will be productive of the most beneficial results. Our Society has been in existence a year, and it was not, in the nature of things, to be expected, that any considerable progress should have been made in the cultivation of all the diversified branches of natural science. It is sufficient cause for pleasing reflection, and at the same time a high inducement to future and more vigorous exertion, that the extensive field on which we have entered has been already partially explored, and that, with regard to our end and aim, every reasonable anticipation has been realized.

The objects for which the Cabinet has been established are such as cannot fail to recommend themselves to the best feelings of every intelligent individual in the community. To encourage and promote a love of natural knowledge in the minds of the rising generation—to afford to the more experienced votaries of natural science, facilities in the prosecution of their studies which could not otherwise be so readily obtained—to collect into one common repository, and be enabled to exhibit at a view all the rare and curious specimens, in animated nature, which can be procured within the limits of our country—to form a Museum of shells, foreign and antiquated coins, Indian and other relics, &c. and in which can be deposited all the various specimens and distinct species of Montgomery county minerals, as well as the kindred productions of neighbouring states and distant countries—to possess a Herbarium of all the plants, native and naturalized, within our country, so that at a future day some American Botanist may be assisted to accomplish in that science, what Wilson and Audubon have in Ornithology—to form an extensive Library, by a collection of books and works on subjects connected with natural science, for the purpose of illustrating and promoting a knowledge of its various branches—these are the considerations which have called into existence, and which must sustain, the present Cabinet.

The committee cannot close this communication without requesting the attention of our agriculturists and our citizens generally to the objects of our association. To the farmer, a knowledge of the minerals he meets with in the daily routine of his business, their character and properties—of the insects which infect and destroy the produce of his farm, and of the plants and weeds which are valuable or pernicious, in his fields and gardens, cannot be unimportant. For the purpose therefore of obviating any deficiency of knowledge, in these respects we would respectfully suggest to our farmers



and others, that, should they do us the favour to furnish specimens of animals or insects, or of minerals and plants, with whose names and properties they were unacquainted; the society would cheerfully impart to them all the information which the members collectively would be enabled to give. We would also suggest that native productions, either in the animal, vegetable or mineral kingdom, which are even familiar to our citizens, and which may be regarded by them as of small importance, will always be acceptable to the Society. If the example of those individuals who have forwarded specimens for the Cabinet, were more generally imitated, the effect would doubtless be, to confer a reciprocal benefit to the community and to the members—and these latter would be encouraged in the study of natural science, by a consciousness that their efforts were appreciated by the public, and that the knowledge which they themselves had acquired could be communicated with profit to others.

Our society is at present composed of thirty members, and an addition to the number is to be desired, as it would enhance the value and extend the operations of the institution. Any member has a right to propose any person who shall desire it, as a candidate for admission, at any of the stated meetings which are held on the last Saturday of each month in the year, and at the next subsequent meeting, such candidate, may be elected a member. The only expense necessary to be incurred, is the institution fee of five dollars, and an annual payment of two dollars. On the rising generation the institution we have established, must rely in a great measure for support and advancement. The earlier period of life, before the cares and pursuits of the world absorb the attention, is the time for improvement; and at that interesting period, the energies of the youthful mind could not perhaps be better employed than in the acquisition of natural knowledge. The utility of such knowledge will not be denied; and if we may credit the concurrent testimony of all who have cultivated natural science with any degree of success, it is one of the most delightful studies in which the human mind can be engaged. To young men, then, who are just beginning to search into the "fine mysteries of knowledge," who are forming habits of mind, on which must depend, in a great measure, their happiness as individuals, their usefulness as citizens, and their success in life, and on whom will devolve in future the responsibility of sustaining and exalting the intellectual character of their country, an early love for the study of nature is of the last importance. The boundaries of knowledge are only enlarged in proportion as the attention is excited; and the mind that in youth, can contemplate with delight the works of creation, and have a desire to become acquainted with the various objects of nature, is fitted to achieve the loftiest triumphs of genius and learning, and to enjoy at the same time, the highest degree of intellectual pleasure of which the human mind is susceptible.

#### BANK OF THE UNITED STATES.

The following letter was written some time since, and was never designed for publication. It accidentally came into the hands of a New York editor, who observing the singular manner in which it disproves a charge made against the United States Bank, thought it proper to lay it before the public. It cannot but serve as an entire vindication of the Bank from at least one of the absurd charges that have been preferred against it.

(PRIVATE.)

*Bank of the United States, Sept. 27, 1830.*

Dear Sir,—I have recently received a pamphlet entitled, "Proceedings and the Resolutions and Addresses adopted by the State Rights' party in Charleston,"

which contains the following passages: "We had arrayed against us the influence of the President of the Bank of the State of South Carolina, emphatically your Bank, who was among the most zealous in his efforts against us, and among the most industrious in his cry of civil war, blood, and revolution. The President of the Bank of the U. States was not less active, and the head which presides over this great Federal Institution was seen superintending, with an anxious scrutiny, the polls at the election." And again. "But if Charleston be fated to be governed by northern traders, officers of the Federal Judiciary, custom officers, and officers of the United States Bank, we know," &c. And further, "All the power of the Custom House, and of the Bank of the United States, all the power of the Federal Judiciary, and even to a certain extent, of the Bank of our own state, may be arrayed against us."

However unwilling to interpret very literally, expressions provoked by the ardour of political controversy, there is yet in these extracts a direct assertion of facts, which unless the highly respectable gentlemen who make it are entirely misinformed, is calculated to excite extreme regret. In the administration of the Bank of the United States, no principal is more fundamental than its total abstinence from politics. Its uniform object has been to devote itself exclusively to its own concerns, leaving public affairs to the public councils: to belong to the country, not to any section of it; to be true to every administration of the government, yet subservient to none; and while composed of fellow citizens of all parties, to be wholly unconnected with any. You know that during the many years in which I have enjoyed the pleasure of your correspondence, I have never made a single inquiry into the political opinions of any individual attached to the Branch. I am at this moment equally ignorant and indifferent, and my only anxiety is, that they should so exercise their own rights as not to violate those of the institution. Undoubtedly, the officers of the Bank are all citizens, retaining all their privileges of free thought and free action, nor would the directors presume to control the political opinions of the humblest individual in their service. Yet it is not an unreasonable expectation that they who voluntarily engage in the employment of the institution, should conform to its essential policy, and cautiously abstain from any conduct which may bring upon it undeserved odium. Now there is nothing more adapted to offend and estrange the community than an active and ostensible participation in popular elections, by the officers of the Bank. Whether they are in the right or in the wrong; whether the occasion be great or small, whether they succeed or fail, are matters of not the slightest consequence. All parties think themselves always right; to all parties all contests seem important; and all, if they do not succeed, are sure they ought to succeed; so that whether victorious or defeated, each party retains a feeling against its prominent adversaries, which it inevitably transfers to the institutions identified with them.

The Board of Directors are therefore extremely unwilling that the officers of the Bank should be zealous or conspicuous at elections, and the reproach thus publicly vouched is of a character to excite great sensibility. That feeling I trust you will be able to remove or allay, so as to relieve the institution from the imputation of political interference, and I therefore take the earliest opportunity of inviting you to furnish me with the means of placing the subject before the Board in a satisfactory light. This will be very acceptable to them, and particularly gratifying to

Yours, with great respect,

N. BIDDLE,  
President.

Jos. JOHNSON, Esq. Prest. Off. Dis. & Dep.  
Charleston, S. C.



From the Harrisburg Chronicle.

## LEGISLATURE OF PENNSYLVANIA.

IN SENATE—Friday, Feb. 9.

### NAVIGATION OF THE DELAWARE.

A message, accompanied with documents, being received from the Governor, was read as follows:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN—I hasten to lay before the two Houses copies of a communication from the executive of the state of New Jersey, and of certain resolutions adopted by the legislature of that state, accompanying the same, relative to an alleged obstruction of the navigation of the river Delaware, by the erection of a wing dam in the said river, on the Pennsylvania side of the same, near New Hope.

Although the obstructions of the navigation of the Delaware river, of a more serious character than that complained of in the communication mentioned, have been placed, or authorized to be placed in that river, as well by incorporated companies, deriving their authority from the legislative enactments of the state of New Jersey, as by private citizens of that state, to which the assent of this commonwealth has never been obtained, and the erection of the wing dam in question, by the state of Pennsylvania, to supply her canal with water at certain seasons of the year, might be justified upon the principles of an equality of rights, possessed by this state with the state of New Jersey, in relation to the navigation and use of the waters of the river Delaware, yet as it is important to both states, that the extent of the privileges to be enjoyed by either, in reference to the river in question, should be definitely established and arranged in a spirit of mutual concession, amity and forbearance, it is earnestly recommended that measures be adopted by the legislature of Pennsylvania, as early as possible, to ascertain how far the dam complained of is injurious to the navigation of the river Delaware, and also for the purpose of arranging and establishing the rights and privileges of the respective states to the waters of the Delaware river, and to define the several objects to which they may be applied by the states of New Jersey and Pennsylvania respectively, provided the former shall adopt similar measures for attaining the object last mentioned on her part.

GEO. WOLF.

Harrisburg, Feb. 2, 1832.

### EXECUTIVE OFFICE.

*Trenton, N. J. January 28, 1831.*

To His Excellency, GEORGE WOLF:

SIR:—I have the honor of forwarding to your Excellency an authenticated copy of certain resolutions adopted by the legislature of this state, at their last session in December last, relative to a wing dam, recently erected in the Delaware river, on the Pennsylvania side thereof near New Hope.

In conformity with the authority vested in me by the first resolution, I appointed commissioners to make the proposed ascertainment of facts. The commissioners have made to me a very full and satisfactory report, by which it appears that in the course of the last summer and fall, a wing dam has been erected in Wells' falls in the river Delaware, on the Pennsylvania side thereof, below and near the town of New Hope, under the direction of one of the assistant engineers of the Pennsylvania canal; and that in erecting said dam, the engineer acted by authority and in pursuance of a resolution of the board of canal commissioners of Pennsylvania of the 6th of May last, directing the erection of a water power to supply the canal with water from the com-

bined locks near New Hope to Bristol, and also that at certain seasons of the year, and certain heights of water in said river, it does now and from its location and dimensions will probably hereafter materially interfere with and obstruct the free navigation of the river.

Permit me, sir, respectfully to call your attention to this subject so important to the interests of that portion of the citizens of New Jersey; concerned in the river trade; and to request that you will give to it an early consideration.

The idea is not entertained that the canal commissioners acting under authority of the state of Pennsylvania, have intentionally erected this dam in such manner, as to obstruct the free navigation of the river, and thereby infringe the rights of New Jersey, on the contrary, it is understood that they expressly directed it to be so constructed as to avoid that result. But as the effect of it is now ascertained to be such as materially to interfere with the navigation, it is confidently hoped that the state of Pennsylvania under whose authority it has been erected, will take prompt and effective measures for its removal.

I have the honour to be

With great respect,

Your obedient servant,

P. D. VROOM.

### STATE OF NEW JERSEY.

Whereas it has been represented to the Legislature of the state of New Jersey, that a wing dam has been erected at or near to "Wells' Falls," in the river Delaware, on the Pennsylvania side of the said river, in the vicinity of the town of New Hope, which materially interferes with, and obstructs the free navigation thereof, causing thereby great inconvenience, loss and damage to the citizens of this state, and others navigating said river. And whereas aid and relief have been prayed of this Legislature by petition. Therefore,

Resolved, by the Council of the General Assembly of the state of New Jersey, that the Governor of this state be, and is hereby authorized and requested to ascertain without delay, in such manner as he may deem expedient, either by agent or agents, or otherwise, whether any wing or other dam has recently been built and erected at or near to "Wells' Falls," in the river Delaware, on the Pennsylvania shore thereof, near to the town of New Hope—and if so, whether it does now, or from its location and dimensions, may probably hereafter, materially interfere with, and obstruct the free navigation of the said river—and that he further ascertain, in manner aforesaid, by whom, and by what authority, and for what purpose, said dam has been erected.

Resolved further, that if it should appear to the Governor, from the information he may obtain under the preceding resolution, that the said wing or other dam, has been built at or near the place aforesaid, and that it now does or probably will hereafter materially obstruct the free navigation of the said river Delaware, that then, and in that case, he do, without delay, call the attention of the Executive of the state of Pennsylvania to the subject, and request his co-operation in removing said obstruction, and that he do use any and every other means within his power under the existing laws of this state, and treaties with Pennsylvania, to have said dam removed, and abated as a nuisance.

In Council, December 2, 1831. The joint resolution having been three times read in Council, Resolved that the same do pass.

By order of the Council,

ELIAS P. SEILEY, Vice President.

House of Assembly, December 1, 1831. These joint resolutions having been three times read and compared in the House, Resolved, that the same do pass.

By order of the House,

ALEX. WURTS,  
Speaker of the General Assembly.



From the Philadelphia Gazette.

## PROCEEDINGS OF COUNCILS.

*Saturday, Feb. 11, 1832.*

**SELECT COUNCIL.**—Mr. Duane offered the annexed resolution which was adopted by both Councils.

Resolved, by the Select and Common Councils, of the city of Philadelphia, that until a permanent regulation shall be established, in case any part of the real estate, devised to the city by the late Stephen Girard, shall require repairs, the Mayor shall be, and he is authorized to cause the same to be made.

The Select Council agreed to the resolution sent in from the Common Council relative to an Alarm Bell in the North Western part of the city. Also, to one relative to the celebration on the 22d instant, and appointed on their part Messrs. Pettit, Worrell, Johnson and Toland.

**COMMON COUNCIL.**—Mr. Lehman presented a petition praying that Washington street be paved, which was referred to the Paving Committee.

Mr. Okie, as chairman of the Committee of Accounts made the following report and resolution which was agreed to.

The Committee on accounts to whom was referred the account of Thomas Desilver, jr. for stationary furnished for the use of Councils, beg leave to report, that they have examined the same, and found it to be correct, and recommend the adoption of the following resolution.

Resolved, by the Select and Common Councils, that the Mayor be requested to draw his warrant on the city treasurer, in favour of Thomas Desilver, jr. for the sum fifteen dollars eighty-eight cents, and charge the same to appropriation No. 21.

*Friday, Feb. 17th, 1832.*

**SELECT COUNCIL.**—Mr. Duane as chairman of the Watering Committee made the following report and resolution, which were adopted: and Messrs. Johnson, Worrell, Baker and Lehman, were appointed the committee:

The Watering Committee respectfully represent to Councils, that they have been authorized, by the board of Canal Commissioners of Pennsylvania, "to lay down an iron main or pipe of conduit on the southern margin of the Philadelphia and Columbia rail-road, under the direction of the principal engineer of the rail-road;" that, in the estimate presented by the committee for the year 1832, they did not embrace the expenses of the removal of the main from its present position, near the towing path of the old canal, to that which the committee are now empowered to occupy, because the committee were not sure that permission would be given by the Canal Commissioners; consequently, as permission has now been given, the committee request Councils to adopt the following resolution:

Resolved, &c. that the sum of ten thousand dollars to be taken from the water rents of 1832, be and the same is hereby appropriated, and that the watering committee be and they are hereby authorized to draw so much thereof as may be necessary, for taking up the iron main from the towing path of the old union canal, and for laying down the same along the southern margin of the Philadelphia and Columbia rail-road.

Mr. DUANE as chairman of the Girard Committee, made the annexed report and resolution, which were agreed to:

*To the Select and Common Councils of the City of Philadelphia.*

The Committee on Girard's Legacy respectfully recommend to Councils, the adoption of the following resolution, viz:

Resolved, by the Select and Common Councils of the city of Philadelphia, that a committee of two members

of each Council be appointed to regulate (in conjunction with the Mayor) the rents of the property bequeathed to the city by the late Stephen Girard.

**COMMON COUNCIL.**—Mr. RYAN as chairman of the Committee on the Drawbridge lot, made the following report and resolution which were adopted:

The Committee on the Drawbridge lot, to whom was referred the communication of Thomas and Jacob B. Lancaster, praying a renewal of their lease for the end of Spruce street wharf, and dock, report that having taken the subject into consideration, and finding that there are other applicants for the said wharf dock, report that they deem it expedient to offer the following resolution for the consideration of Councils—

Resolved, by the Select and Common Councils, that the city commissioners be, and they are hereby directed to advertise for receiving proposals for renting of Spruce street wharf and dock, and Cedar street and Walnut street wharves, and that they be authorized to rent the same to the best bidder, agreeably to existing ordinance, in conjunction with the committee on the Drawbridge lot.

Mr. BAKER presented a petition relative to encroachments on the footways in Second street, which was referred to the Committee on markets.

The following letter from the Mayor enclosing one from the Marble Masons was received and was referred to a Special Committee of two members of each Council, and Messrs. Fritz, Wetherill, Groves and Pettit were appointed the Committee.

MAYOR'S OFFICE,  
PHILADELPHIA, Feb. 17th, 1832. }

*To the President of the Select and Common Councils:*

Gentlemen:—I enclose a communication from the Committee of Marble Masons, which invites the respectful attention of Councils.—Very respectfully, your ob't serv't,

B. W. RICHARDS.

PHILADELPHIA, Feb. 17th, 1832.

*To Benjamin W. Richards, Esq. Mayor.*

SIR,—At a general meeting of the Marble Masons of the city and county of Philadelphia, it was resolved to prepare a suitable corner stone for the contemplated Monument to the good and great WASHINGTON; and that the same be presented to the "Mayor, Aldermen and Citizens of Philadelphia," to be by them received and preserved until the occasion arrives for laying it, in pursuance of the intentions of the Donors.

The said corner stone will be exhibited on a Truck-wagon in the procession of the 22d instant, and the Subscribers have been appointed a sub-committee from the committee of arrangement to carry said resolution into effect, and to receive such instructions from the City Authorities, as to the temporary place of deposit, as they may deem proper. We are most respectfully, your ob't. serv'ts.

PETER FRITZ,  
AD. TRAQUAIR,

A communication from Dr. J. Y. Clarke was received and was referred to the Committee on the Girard Fund.

The following letter from E. Hand was received, and was referred to a special Committee of two members of each Council, and Messrs. Sexton, Horn, Massey and Fox were appointed the committee.

*To the Honorable the Select and Common Councils of the City of Philadelphia.*

Gentlemen—Your petitioner Ezekiel Hand, having been employed by the City Commissioners as a watchman for nearly 15 years past, and being exposed to the night air so long, the consequence is, that your petitioner has been laid on a bed of sickness for these two last years, and having a large family, he is now reduced to the lowest state of poverty. Having been taken sick when in the performance of his duty, he sends this, praying that Councils will take it into consideration,



and grant him some relief. He does this with the more confidence, as he believes them to be men that can pity the distressed; and hearing that Councils were pleased to grant relief in similar cases last year, and for which if they grant this, they shall ever be gratefully remembered by their obedient servant,

EZEKIEL HAND,

Residence, No. 58 Gaskill street.

Reference, To the City Clerk, or Captain of the Watch.

PHILADELPHIA, Feb. 16th, 1832.

A communication was received from Mr. William Champion, relative to re-leasing South street wharf, which was referred to the Committee on the Drawbridge Lot.

MR. LEIPER offered the annexed resolution which was agreed to:

Resolved, That the Mayor be authorized to draw his warrant on the City Treasurer to defray the expenses of the committee appointed to go to Harrisburgh on the 21st ult. and that the same be charged to appropriation No. 21.

MR. SULLIVAN offered the following resolution which was adopted:

Resolved, That the Select and Common Council do assemble at the Council Chamber, on the 22d inst. at 9 o'clock, A. M. and proceed in a body to join the procession which is to take place in honor of the day.

## REPORT UPON LOTTERIES.

*Report of the Committee of the House of Representatives of Pennsylvania, to whom were referred the message of the Governor and sundry memorials relating to the abolition of Lotteries.—Read February 10th, 1832, by Mr. Dunlop, Chairman.*

The committee to whom was referred that portion of the message of the Chief Magistrate, and the several memorials relating to the abolition of lotteries—**RESPECTFULLY REPORT:**

That fully aware of the responsibility imposed upon them, they have bestowed upon the subject submitted to their consideration the laborious investigation to which it was entitled. Sensible of the evils arising from the prosecution of lotteries, and that the picture which has been drawn of the enormous extent to which they have been carried, and the appalling consequences which are daily flowing from this miserable plan of finance, under the alleged sanction of the commonwealth; they could not but feel the strongest disposition to eradicate this cancer from the bosom of the state.

A lottery is at best but systematized gambling, a splendid lure for the unwary, in which the chance of remuneration to the adventurer is in proportion to that of any other mode of gaming. Yet, like the Mirage of the desert, it lures and deceives, not only the unconscious, but the most practised beholder. The old and young, the economist and the spendthrift, the knowing one and the innocent, the poor man and the rich, with equal eagerness, crowd around this gorgeous temple of fortune, and though to-day the dupes of its deceitful promises, return to-morrow with eyes as anxious and inquiring, to gaze upon and seek the glittering favors it affects to offer. In its insatiable coffers are consumed as well the pittance of the poor as the thousands of the wealthy, and though the one may be kept destitute, and the other become the victim of bankruptcy, still the occasional prize that is blindly lavished, crowds the portals with its deluded devotees. Every device that can entrap the unwary, and allure the giddy, is invented and displayed, and a glare as false as it is flattering, that only

“—leads to bewilder, and dazzles to blind,”

deceives from day to day the victims of its delusion.

There may be other grants of lotteries made in un-

wary moments by the legislature, to other institutions, which time and circumstance have probably rendered obsolete; but the only one in active operation is exercised by the Union Canal Company, an institution which seems to have been in some measure a deserving favorite of the public; and your committee, though anxiously disposed to cut off this monstrous system of imposition, practised under its authority, have yet been too strongly impressed with the propriety of respecting the rights of the corporation and of individuals, and preserving untarnished the public faith, to recommend such a measure, without the most sedulous scrutiny, and confident assurance of their own conclusions. Feeling the great responsibility they were under, in deciding upon property to a great amount, upon perhaps the future prosperity of the Union Canal company, upon the guarantee of the state on the faith of which nearly half a million of dollars had been invested, they invited and enjoyed a full, laborious and able discussion of the whole subject, by counsel on the part of the memorialists, the company and their assignees.

As the power to abolish lotteries, as prayed for by the memorialists, and recommended by the Governor, will depend on a proper construction of the acts of assembly, which have conferred upon the Union Canal company the privilege of raising money by way of lotteries, the committee beg leave, as briefly as the discussion will permit, to place their views upon this subject before the House.

The Union Canal company of Pennsylvania was so called from its being formed of two separate companies, which had been authorized to connect the waters of the Delaware and Susquehanna, more than forty years ago. The earliest of them, denominated the Schuylkill and Susquehanna navigation company, was incorporated by an act passed twenty-seventh September, seventeen hundred and ninety-one; the other, called the Delaware and Schuylkill canal navigation, was created by an act of the tenth of April following. In eighteen hundred and eleven these companies were united and re-organized, by an act of the second of April, of that year, under the style and title of “the Union Canal Company of Pennsylvania;” and under that name have brought their arduous and meritorious exertions to a successful termination.

These companies, and especially since their connexion, have claimed and enjoyed from time to time the continued and fostering care of the government. So early as seventeen hundred and ninety-five, by an act passed seventeenth April of that year, the legislature, to provide efficient funds for completing the canals, authorized the two companies “to raise by way of lottery,” four hundred thousand dollars, of which two hundred and sixty-six thousand, six hundred and sixty-six dollars, sixty-seven cents, were to be applied to carrying on the works of the Schuylkill and Susquehanna navigation, and one hundred and thirty-three thousand, three hundred and thirty-three dollars and thirty-three cents, to carrying on the works of the Delaware and Schuylkill canal navigation, and which was not to form any part of the capital stock.

Finding it inconvenient to raise the sums authorized to be raised “whilst acting jointly, where a separate interest existed,” the latter company was authorized to raise “their proportions of the provisions granted” by the act of the seventeen hundred and ninety-five, unconnected with the other company.

After nearly twenty years of the exercise of their corporate powers, after the enjoyment of fifteen years of their lottery privileges, these companies in their memorial to the Legislature of thirtieth of December, eighteen hundred and ten, after lamenting the unproductiveness of the lottery grant, after complaining of “the disorder and embarrassment into which they had fallen,” the “reproach and ridicule with which their undertaking was covered,” of “the public confidence being impaired” in their efforts, and acknowledging



"the spirit of unlimited speculation," which marked their commencement, and embarrassed their operations, they prayed the Legislature to aid them with appropriations and to unite them under one direction. In pursuance of this request, the Legislature, by an act passed the second of April, eighteen hundred and eleven, united them as has been already stated, into one company called the Union Canal Company of Pennsylvania, and conferred upon them further privileges and powers, which become the subject of particular examination. The twenty-eighth section of this act assuming that the two companies had realized about sixty thousand dollars, of the four hundred thousand dollars they had been authorized to raise, by the act of seventeen hundred and ninety-five, authorizes the raising of the residue of the original sum not exceeding three hundred and forty thousand dollars, and confers the additional power "if it should appear to them advisable to sell and assign to any person or persons, body politic or corporate, the right to raise the said residue of money by way of lottery or lotteries, upon such scheme or schemes, plan or plans, as they may from time to time sanction, or any part thereof from time to time," and that "such purchasers or assignees shall be vested for the term they shall so acquire, with the same rights and privileges as the said corporation."

The expectations of the company from the power given by this act to sell and assign wholly or from time to time, their privileges to raise money by way of lottery not having been answered, the Legislature to promote their views, by an act of the twenty-ninth of March, eighteen hundred and nineteen, authorized a further subscription of two thousand five hundred shares, and as an inducement to new subscribers to invest their money, by the third section pledged the proceeds of the lottery as a fund for the payment of six per cent. upon the new subscription, and also upon the unforfeited shares of the old companies, "as soon as the two thousand five hundred dollars shall have been subscribed," the interest upon the old stock to commence from the time and in the proportion of the new subscription. The pledge of the lottery proceeds to the payment of six per cent. upon the stock having failed to induce the expected new subscriptions; the company taking advantage of the current of popular opinion which was then setting in favour of internal improvement, procured in eighteen hundred and twenty-one, further enactments of the Legislature, upon the construction of which the chief difficulty of deciding the important questions submitted to the committee mainly depends.

The first section of the "act for the improvement of the state," above alluded to, passed twenty-sixth March eighteen hundred and twenty-one, after providing "that whenever according to the act" of eighteen hundred and nineteen, which as just stated, empowered the further subscription of two thousand five hundred shares to the capital stock of the Union Canal company, two thousand two hundred and fifty should be subscribed, the Governor was required to subscribe on behalf of the commonwealth, two hundred and fifty shares, and then proceeds as follows:

"SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, that whenever according to the provisions of the act supplementary to an act, entitled "An act to incorporate the Union Canal company of Pennsylvania," passed the twenty-ninth day of March, eighteen hundred and nineteen, two thousand two hundred and fifty shares shall have been subscribed to the capital stock of the Union Canal company of Pennsylvania, the Governor of this commonwealth be, and he is hereby authorized and required to subscribe

in behalf thereof, two hundred and fifty shares of the stock of said company, to be paid by the State Treasurer on warrants drawn by the Governor, in the proportion of the payment made on subscribing by the new subscribers, and of the payment of their respective instalments as may be called for by the board of managers; and if the proceeds of the lottery granted to the Union Canal company, together with the tolls which may be collected, shall not hereafter from year to year, for the period of twenty-five years, yield a sum equal to an annual interest of six per cent. upon all sums not exceeding in amount four hundred and fifty thousand dollars, which may be subscribed by new subscribers as aforesaid, and paid according to law to the capital stock of the said company, the Governor shall from year to year, for the term of twenty-five years, whenever it shall appear to his satisfaction that such disability exists, draw his warrant on the State Treasurer in favour of the said board of Managers, for the amount of such deficiency, which money shall be applied to the payment of an annual interest of six per cent. to such new subscribers, and the faith of the commonwealth is hereby pledged for the term of twenty-five years, for the full and punctual payment of said interest: Provided, that the subscriptions shall be paid in such instalments as shall be called for by the managers of the said company, and each subscriber shall be entitled to interest only from the time of the actual payment of each instalment respectively; and in order to avoid as far as possible all disability to pay such interest, so much of the third section of the act aforesaid, as pledges any portion of the avails or nett proceeds of the lottery aforesaid, to the payment of an annual interest to the holders of shares not forfeited in the late Delaware and Schuylkill, and Susquehanna Canal companies, be, and the same is hereby suspended until the canal shall be completed, and the president and managers of said company shall be, and they are hereby authorized to continue during the said term of twenty-five years, to raise by way of lottery, any sums that may be wanted for the purpose of paying to the holders of said stock, the six per cent. as aforesaid: Provided, that whenever the nett proceeds of the tolls shall amount to the said six per cent. the privilege hereby granted of raising money by lottery, shall during such time be suspended, except so far as is authorized by existing laws, and it shall in no event be lawful to divide any sum arising from said lottery over and above six per cent. upon the stock of said company, it being the intent and meaning of this act, that all such excess shall be reserved to meet any deficiency thereof, that may at any time occur in the tolls as aforesaid."

The old companies and the Union Canal company had, under the several acts of Assembly specified, proceeded in the exercise of their lottery privileges with various success. During the first fifteen years, from seventeen hundred and ninety-five, till eighteen hundred and eleven, when the two companies were united, they were conducted, of course, under their own management, there being no authority to sell or assign prior to the passage of the latter act. During that period they had realized about sixty thousand dollars, or at the average of about four thousand dollars per annum. Since the authority to sell and assign, given by the act of eighteen hundred and eleven, the company have drawn no lotteries themselves, but have conducted them through the medium of assignees.

On the seventh April, eighteen hundred and twelve, about a year after the incorporation of the Union Canal company, they sold, and assigned absolutely to Henry Pratt, "all the right, privilege and authority, to make lotteries within the state of Pennsylvania." Mr. Pratt was to deduct, from the gross amount of each class, fifteen per cent. and pay the company two and a half per cent. clear of all expenses, upon the two first classes, and five per cent. on each succeeding class. The lotteries, at this time, were in a state of

**NOTE.**—The two thousand two hundred and fifty shares, at two hundred dollars per share, makes the four hundred and fifty thousand dollars.



great depression, and Mr. Pratt, with all his ability, made but little profit on the adventure. The company, conceiving they could procure more favorable terms elsewhere, prevailed upon Mr. Pratt to re-assign the privilege to them for fifteen thousand dollars, and on the thirty-first March, eighteen hundred and fourteen, sold on the same terms, except the amount which *had been raised* by the first class, under the management of Henry Pratt," to Benjamin Betterton Howell. The next contractor of the company was Solomon Allen, who drew the fourth, fifth, sixth, seventh, eighth and ninth classes, the first having been drawn by Mr. Pratt, and the second and third by Mr. Howell. The company, by the first contract with Mr. Allen, which is dated thirteenth January, eighteen hundred and seventeen, sold and assigned to him "the right, privilege and authority, to raise, by way, of lottery, within the state of Pennsylvania, *so much of the sum of money which, by the act of Assembly, it is permitted to the said company to raise* by lottery or lotteries, as can be produced by the scheme and plan hereto annexed," for which he was to pay ten thousand five hundred dollars. The other five classes which Mr. Allen drew, were authorized from year to year by contracts, couched in similar language as respects the power conveyed; the last of them for the ninth class, being dated ninth March, eighteen hundred and twenty-one.

Thus far the schemes of no one year, as will be perceived by the synopsis of them hereafter furnished, exceeded much, half a million of dollars. It was left for the adventurous spirit of the present contractor, Archibald M'Intyre, to push these bold efforts at speculation to an annual aggregate of upwards of five millions.

The first contract with him is dated on the seventh October, eighteen hundred and twenty-one, about five months after the passage of the act of Assembly of that year, under the provisions of which the company claims to exercise the power of additional lottery privileges. The contract professes, "by the authority vested in the president and managers of the Union Canal company of Pennsylvania, by the twenty-eighth section of the act of Assembly, passed the second day of April, eighteen hundred and eleven," to sell and assign "unto the said Archibald M'Intyre, the right, privilege and authority to raise, by way of lottery, in the state of Pennsylvania, *so much of the sum of money which, by the said, or any subsequent act of Assembly, it is permitted to the said company to raise* by way of lottery or lotteries, as shall be produced by such schemes or plans of lottery as shall be adopted by the said Archibald M'Intyre, within three years from the first of November," then next, for which he engaged to pay them eleven per cent. on the amount of each scheme, and that he will not draw a less sum than one hundred and fifty thousand dollars in each and every year. It is stipulated, also, on the part of the company, that his friend John Yates, of New York, or some one named by him, in case of contractor's death, shall have the management of the lottery privilege transferred. On the seventh of October, eighteen hundred and twenty-four, the company entered into a new contract with Mr. M'Intyre, to terminate on thirty-first December, eighteen hundred and twenty-nine, on terms similar to the one preceding, except that he is to pay one hundred and fifty thousand dollars, in several payments and as a gross sum, and not a per centage was to be paid, the extent to which he is to carry the privilege is left without any stipulations of requisition or restriction. On the twenty-first of September, eighteen hundred and twenty-nine, a few months before the grant of eighteen hundred and twenty-four would have expired, they entered into another contract for two years from the first January, eighteen hundred and thirty, by which he engaged to pay the company thirty thousand dollars per annum, for such schemes as he might adopt. The contract now subsisting between Mr. M'Intyre and the company, and under which he is at this moment rapidly projecting his lottery schemes,

is dated the sixth day of September last, and transfers to him "the right, privilege and authority, to raise by way of lottery, in the state of Pennsylvania, *so much of the sums of money which, by the said acts, or any other acts of Assembly, it is so permitted to the said company to raise* by way of lottery or lotteries, as can be produced by such schemes or plans of lotteries, as shall be adopted by the said Archibald M'Intyre, for two years" from the first January, eighteen hundred and thirty-two. The committee deem it of some importance to call the attention of the House, to the change of phraseology adopted by the two last contracts. In those of eighteen hundred and twenty-one, and eighteen hundred and twenty-four, they state their authority to be derived from the act of eighteen hundred and eleven alone, in these terms: "and by the authority vested in the president and managers of the Union Canal company of Pennsylvania, by the twenty-eighth section of the act of Assembly, passed the second day of April, eighteen hundred and eleven, have agreed to sell and assign," &c. Whether they opened their eyes to new views upon their corporate privileges, were grown careless of public scrutiny, or changed their legal advisers, certain it is the company seem, in their two last assignments, to have taken more extensive ground than they had conceived themselves entitled to occupy before. In the recital of their authority, in the contracts of eighteen hundred and thirty-one, they look not merely as they had done before, to the act of eighteen hundred and eleven, probably for the first time, in eighteen hundred and twenty-nine, construing the act of eighteen hundred and twenty-one, as conferring a cumulative and distinct grant, and not requiring the aid of the old lottery to raise the six per cent. for the new subscribers. The contracts of eighteen hundred and twenty-nine, and eighteen hundred and thirty-one, recite their authority thus: "That whereas, by an act of Assembly of the commonwealth of Pennsylvania, passed the second day of April, eighteen hundred and eleven, entitled," &c. in the twenty-eighth section thereof, the said company is permitted, among other things, to sell and assign to any person, &c. the right to raise a sum of money not exceeding three hundred and forty thousand dollars, by way of lottery or lotteries, upon such schemes, &c. as they may sanction, &c.; and proceed to add, what is not inserted in the other contracts of Mr. M'Intyre, the following clause: "And whereas, by the first section of another act of Assembly of the commonwealth of Pennsylvania, entitled An act for the improvement of the state, passed the twenty-sixth March, eighteen hundred and twenty-one, the president and managers of the said company were authorized to continue, during the term of twenty-five years therein mentioned, to raise by way of lottery, any sums that may be wanted," &c.

These clauses when connected with the short period of time at which the latter contracts are taken, have too strong a bearing upon the argument which it is purposed to submit upon the construction of the powers and privileges conferred upon the Union Canal company of drawing lotteries, to be omitted.

It is from the date of the contract of eighteen hundred and twenty-four, that Mr. McIntyre has launched out into the most lavish use of the power he fancied or pretended to fancy he held of speculating upon the cupidity of his fellow citizens. The committee call the attention of this house to the exemplification of the boundless spirit of rapacity which actuates men in the pursuit of wealth to be drawn from the giddy propensity to gambling and chance. It is manifest from the terms of the first contract in which it was deemed necessary to *require* him to draw schemes to the amount of one hundred and fifty thousand dollars a year, that neither he nor the company dreamed of the prodigious extent to which the credulity of the people could be practiced upon. These impressions are strengthened by casting the eye over the list of schemes drawn under his first contract in eighteen hundred and twenty-two,



eighteen hundred and twenty-three and eighteen hundred and twenty-four, during which they did not in any one year much exceed three hundred thousand dollars. But in proportion as his hopes are expanded, as new contrivances to facilitate the convenience and rapidity of drawing lotteries are invented, as the votaries of fortune crowd around him to snatch the splendid delusion, he seems to acknowledge no limits to their extent but the capacity of the people to buy. From the time of his second contract, under which he pays no more for drawing millions than he does under the first for drawing thousands, he seems to have launched into an illimitable ocean of profit and speculation. His annual schemes progressively swell from three hundred and eighteen thousand three hundred dollars in eighteen hundred and twenty-four, to five million two hundred and sixteen thousand two hundred and twenty dollars in eighteen hundred and thirty-one. If these alarming strides of rapacity in getting, know no check, if they defy all power to stay them, and make from the last to the present year, the same proportionate rapidity of advance as they did from eighteen hundred and twenty-nine to eighteen hundred and thirty, we shall perceive a stream of more than ten millions of dollars pouring from the pockets of the people into the insatiable coffers of the lottery broker in this one lottery alone. It is foreign to the subject under consideration to which the committee desire strictly to confine themselves, to go into any estimates of other and foreign lotteries that spread their baleful influence over the United States, and of which Pennsylvania receives her full share of sickening venom; but there is a little doubt upon even a moderate estimate, that those drawn under the auspices of this same contractor, yield a nominal *profit*, and probably an actual gross *profit*, of more than fifty thousand dollars a day. We may form some conception of the appalling magnitude of a system of gaming, incitements to which are displayed in such winning phrase and alluring profusion in the streets of our cities that yields to those who minister to the cupidity of their fellow citizens such enormous receipts. When we know that the power of checking these monstrous fungi on the body of the state, as deadly as the cholera of the Indies, is placed in the hands of the company, and perceive her casting over them the shadow of her indifference or indulgence to shield them from the light of public scrutiny and criminal punishment, we must all acknowledge the necessity of eradicating those that afford protection and plausibility to the rest. Does not this state of things call loudly for redress from the public guardians of the morals of the people, from a government whose duty it is to protect the credulous and unwary, to remove all temptations to vice, and to suppress the inordinate pursuits of wealth, by chance and gaming. Shall we be arrested in such a hallowed purpose by vague statements that these lotteries are not such sources of wealth to the broker who projects them, when the assertion is so manifestly refuted by the extent to which they are carried. If they were not a source of profit and gain why project and conduct them, if their advantage were not proportionate to their magnitude and number, why extend and increase them? It were well were we as surely persuaded of the loss of the broker as of that of the adventurer who buys. We would then need no legislative provisions to suppress their evils.

Your committee having thus given a sketch of the lottery history of the canal company as concise as the perfect understanding of the subject will permit, they now beg leave to present to the House as well the construction of the privileges contended for by the company and their assignee as the conclusions to which the committee have arrived after the patient and attentive examination they have bestowed upon the subject.

In the first place it was ardently contended by the counsel of the company and their assignee, that the new subscribers had vested their money upon the pledge of

the public faith, as given in the act of eighteen hundred and twenty-one, already recited; that under the sanction of the commonwealth Mr. McIntyre, had engaged in extensive contracts and relations which it would be difficult or impossible to close, short of the limit of his last engagement; and that the resumption of the grant would involve the company, Mr. McIntyre, and the purchasers of unfortunate tickets in endless and vexatious law suits. But assuming this to be true, the committee are of opinion that the consequences that would flow from any decision adverse to the lottery privilege as pursued, cannot enlarge or limit the extent of the grant, or the construction of the acts of Assembly, and that the continuance of the evils of such an extensive system of gaming is more pernicious than all the disasters that can possibly flow from measures of restriction; and that however indulgently the committee may be disposed to look upon those who may be zealously, though erroneously, pursuing their endeavours to promote the public weal, they cannot extend an ill-judged lenity, to those who are seeking their own advantage, regardless of its injurious operation upon the happiness of their fellow citizens. It certainly does not become those who run into errors to fill their coffers at the expense of public morals, to complain of the sad consequences to which they may be reduced by the withdrawing of privileges which they should never have exercised. But the committee cannot acquiesce in the opinion that any disastrous results will be experienced even by the participants criminis from closing these avenues of ruin and vice.

The faith of the commonwealth is pledged, it is true, to the new subscribers for the receipt of six per cent. on their subscription of four hundred and fifty thousand dollars, subscribed by them in consequence of the passage of the act of eighteen hundred and twenty-one. But that pledge is only conditional, and to attach, under a certain concurrence of circumstances. But who are these new subscribers, in what relation do they stand? The counsel who argued for them ingeniously enough, seemed to wish them to be viewed as a body detached from the company, and to have the engagement of the state to them considered as distinct from a pledge to the company; but they are in fact the company. They would have constituted a portion of the company *ipso facto*, by the very act of subscription itself, but the fourth section of the act of eighteen hundred and nineteen, as if for fear any one would be so absurd as to question their incorporation with the rest of the subscribers, expressly confers upon them "authority to exercise when organized, all the privileges and immunities conferred on the (then) present stockholders." They constitute therefore a constituent portion of the company, and a very large portion too, when we consider that the old stock of the company is but one hundred and forty seven thousand, six hundred dollars, whilst the new (independent of the fifty thousand dollars held by the state,) amounts to four hundred and fifty thousand dollars, nearly three-fourths of the whole capital of the corporation. The pledge of the corporation therefore was in reality to the company, especially when we reflect that the new subscribers in fact have the exclusive management, and refuse participation in its direction to the old ones. If therefore the company have transgressed the conditions of the grant; if they have fully enjoyed what was tendered to them, their claims upon the state are exhausted. She had only pledged her faith to furnish what would be wanted to pay six per cent. to stockholders, provided the avails of the privilege of raising money by lottery, and the nett proceeds of the tolls, were not adequate to do so. The case therefore resolves itself into this question, has the company raised by way of lottery all they were authorized to raise, have they had the full enjoyment of the privilege of drawing lotteries, have they by themselves and their assignees, raised from the nett proceeds of their schemes as much as would pay up the six per



cent. upon the stock to this period, or for the twenty-five years; or if not would the nett proceeds of the tolls, if applied to such purpose, be sufficient? If they have raised the money they were authorized to raise by way of lottery, if they have enabled their assignees to do so by incautiously disposing of the power for less than it is worth, or if the tolls hereafter will cover the six per cent. upon the stock for twenty-five years from eighteen hundred and twenty-one, the state is liberated from her pledge for the peculiar circumstances under which her liability was to arise, cannot occur, her engagement being expressly confined to supplying any deficiency in the sums to be raised by the lotteries and tolls of the company.

The committee have not deemed it necessary to investigate the point, whether the grant under which the lottery privileges are enjoyed, is to be construed most favorably for the commonwealth or the company, for the natural and obvious meaning of the act requires not the introduction of the doctrine. And before they state their grounds of construction, they conceive it proper to say that they consider it immaterial to the correct understanding of the privilege, whether it were conferred as a bounty, or for any other purpose. They hold that grants, by way of bounty, are as precise in their limits, as any other legislative enactments, and to be scrutinized upon the same principles. Considering the gift of the lottery privilege as a bounty, may be important when viewing it in reference to the application of its proceeds, but the committee cannot perceive what operation the viewing it in that light can have upon the ascertainment of its limits.

It was argued for Mr. McIntyre, that he had embarked in heavy contracts upon the faith of the commonwealth, and was therefore entitled to the most favorable aspect that the subject was susceptible of. But granting the position to be correct, the committee are of opinion that even the most favorable view of his rights will not place him in the light he desires. It is certainly a well settled principle of law and common sense, that he who buys can obtain by the purchase nothing but what the vendor has a right to sell. When Mr. McIntyre, therefore, purchases from the company what they had no right to dispose of, he acquires nothing by his purchase. If he is willing to enter into a contract for a privilege that is doubtful in its terms, and uncertain in its tenure, *he must take his chance*, and has no right to call upon the legislature to place him on more stable grounds than he has assumed himself. The able counsel under whose auspices he operates, must certainly have informed him of the slippery nature of his purchase, and it is probable the glittering prospect of success may have tempted him to venture. His contract for enormous gains was but a lottery, and if he has this time drawn a blank, he cannot complain with any propriety when he reflects how many blanks he has sold to others. But the act of Assembly, with peculiar caution, and as if to put an assignee of the company out of any conceit that he could purchase what they had no right to sell, and to prevent his clothing himself with the pretence of claiming more than he bought, expressly enacts that those who are purchasers or assignees, shall be vested for the term they shall so acquire, with the same rights and privileges as the said corporation. Now surely, independent of the ordinary dictates of law and common sense, if a purchaser can acquire only the same right held by his assignor, he has no pretence to claim anything more.

[To be Continued.]

## GREAT FLOOD.

BLAIRSVILLE, (Penn.) February 9.

The Conemaugh River, at the present time, is unusually high. Some apprehensions are entertained for the safety of the new Dam at Leechburg. It is to be hoped, however, that these may not be realized; more,

especially, at the present time, as the public—to say nothing of the great loss which would be sustained—are very desirous, since our canal men evinced so much “*perseverance*,” “*energy*,” and “*efficiency*,” in the building of the new Dam, that they should have a short respite from their labors.

POSTSCRIPT.—Since writing the above, we regret to state, serious injury has been sustained to the Canal opposite this place. The heavy embankment between the Canal Lock and the Dam has nearly all been swept away, and with it the Saw Mill. The lock is materially injured, having fallen in. We have no information from below of the extent of damage sustained; but it must, undoubtedly, be great. The Dam at this place, since the embankment has been carried away, is left in a very precarious state, and fears are entertained for its safety. In our next we shall probably be able to give the particulars; and we would not be much surprised to find the amount of injury to be so great as to preclude the practicability of rendering this portion of the public improvement of any benefit during the whole of the approaching season. We hope however, for the best.—*Conemaugh Republican*.

## DISTRESSING FLOOD AT PITTSBURG.

The following extract of a letter dated Pittsburg, Friday, February 10th, 1832, was politely furnished us by a friend:

“To-day we had one of the greatest floods within the recollection of the oldest inhabitants. At this place, the water of both rivers rose at once, to such a prodigious height, as to overflow one entire side of the town. The water was up in St. Clair street as far as Market street, overflowing in its course the Exchange, the Washington Coffee-House, Mr. McDonald’s, and all the other buildings between Market street and the river, and is up in Wood street as far as Second street. The depth in St. Clair street is such that the inhabitants were obliged to use carriages and boats to get in and out of their houses. The distress caused by this flood among the poor it is impossible to describe. Hundreds are this night without a shelter.

I saw several families getting out of their second story windows in boats, to save themselves, and when landed, their case was distressing beyond description. Great fears are entertained about the aqueduct and bridge, the water being above the weatherboarding, and the upper sides being jammed with drifts of every description. The damage up the Allegheny is immense. Houses, stables and hay stacks have been afloat, and live cattle with them, pig-pens, &c. Several houses in Allegheny town were destroyed. In lumber, &c. the losses are great. The flood has been much more destructive than the great flood, twenty years ago, called the Pumpkin flood, and both rivers are still rising. The town is in the greatest commotion imaginable.

Extract of another letter, dated Williamson’s Exchange, Pittsburg, Feb. 10, 1832.

I write this surrounded by the roaring and surging waters. On Wednesday morning the water began again to rise, after having fallen a little since the other freshet. They are now about 20 feet above low water mark, and nearly a foot higher than what is called the Pumpkin flood in 1810, which was the highest ever known. The aqueduct across the Allegheny, which is about half a mile above the bridge, is in imminent danger, the water being up to the flooring. Immense quantities of drift wood, trees, houses, shanties, hay stacks, &c. &c. have lodged against it, and threaten it with destruction. The current is tremendous. I suppose there could not have been fewer than five thousand persons gazing at it when I left it, (about an hour ago,) who were momentarily expecting it to be carried away. If it goes, the beautiful bridge must go too.

Nearly the whole lower end of the city is inundated. Just now a large canal packet was poled up a square



from the Allegheny, to relieve some families. All the houses on the opposite bank of the A. and the greatest part of those on this side, are deserted, the water being up to the second stories. Our hotel has five or six feet of water in the whole basement story.

The distress among the poor will be immense, many escaping last night with nothing but the clothes they had on. Boats, rafts, &c. are going about in every direction, saving lives and furniture. If it should rise two or three feet more, the whole city will be flooded. There is now about three feet of water in the street, in front and on the side of us, and rising every minute, cutting us off totally from any communication with the city, except by means of rafts or boats.

We have just returned from the aqueduct, having to go out through a back alley and a stable yard. An immense concourse of people were yet waiting to see the "sport," but were all disappointed. An incredible quantity of drift is yet coming down, choking the passage of the water under the aqueduct. While we were there, several large stacks of hay came down and lodged, lath and shingles by the thousand, whole piles of boards, &c. A shantee came floating down, with a hog on the top. It was shattered to pieces, and poor grunter was drawn under and probably met with a "watery grave." The water is much deeper in the streets, and boats, bateaux, canoes, and whatever else can be procured, are rowing and poling about for relief of families.

Extract of a letter, dated

PITTSBURG, Feb. 10.

We are at this moment (12 M.) in the midst of a scene of awful devastation. Our rivers have overwhelmed us; a large portion of the city is under water; and the suburb, Allegheny, in which I reside, is almost totally immersed. The water is nearly two feet in all my lower apartments, and we have taken shelter, in the second story. We are upwards of two hundred yards from the nearest dry land. Our noble Allegheny bridge yet stands, as well as the aqueduct above. Whether they will maintain themselves is doubtful, as the rivers are still on the rise.

Immense damage is already done. Houses and barns have floated past us, and the whole country above seems to have been swept; though we know of no lives yet lost, it is more than probable many are. A hasty scrawl. Yours, &c.

PITTSBURGH, Feb. 10, 1832.

Dear Sir,—We are at this moment immersed by one of the highest floods ever known in this place.—The height of the water now exceeds the great flood of 1810 by about two feet.

For the last four hours, the water has risen but little, and we therefore hope the flood has nearly reached its maximum height.

Great apprehensions are entertained for the safety of the aqueduct. The lower part of it has been immersed since noon, and is now several feet under water. Immense masses of floating lumber have lodged against it, and are now pressing it with great force; but thus far all is safe. Multitudes have thronged the vicinity for the last eight or ten hours, expecting every moment to see the whole swept off. The lower parts of Penn and Liberty streets are flooded; and the water is three feet deep on the pavement at the Exchange. The water extends up Wood to Second street. Several dwellings have been swept off from the low grounds in Allegheny, and some few from the Pittsburg side of the river. We do not hear that any lives are lost.

In haste, yours,

MAJOR WADE.

Friday Evening, 8 P. M.

We have been favoured by Mr. Hays of the Senate, with the following extracts of letters, received by him to-day.

PITTSBURG, Feb. 10, 10 o'clock, P. M.

In consequence of the severe rains we have had, there is at this moment, a higher flood in the Allegheny and Ohio rivers, than has been witnessed by the oldest inhabitants. The water is now about two feet higher than at the famous *pumpkin flood*, about twenty years ago. All Alleghenytown, below the second bank, is under water, from 6 to 12 feet deep. A steam-boat was sent over to relieve the sufferers, and anchored in Wm. Robinson's garden, in front of his house. The water is up on the weather-boarding of the aqueduct. A great deal of drift wood is lodged against it, and is constantly increasing; and it is believed, if the river rises for the next two hours, as it has for the last ten, that the aqueduct and bridge will both go.

Your house is surrounded with water, and your cellar full. I think it highly probable that the western division of the canal will sustain immense injury. I fear we shall have a sorry account to-morrow of aqueducts, dams, culverts, bridges," &c.

PITTSBURG, Feb. 10.

Dear Father—I hasten to inform you of one of the most distressing floods that ever happened in the western country. The river is so high that while I am now writing our cellars are filled with water—our tan yard is overflowed, and the flood is still rising. The water is up to the aqueduct, and we are looking every moment to see it and the bridge swept away. A horse can almost swim at the corner of Fourth and Liberty streets. The whole bottom of Alleghenytown is overflowed, and in some places up to the 2d story of the houses.

PITTSBURG, FEB. 14.

On Friday last Pittsburg, Allegheny-town, and the low-land bordering the rivers were visited by the horrors and devastations of the greatest flood that ever occurred since the erection of Fort Du Quesne by the French. It would be in vain to give the particulars of the loss sustained by our fellow citizens—to describe the perilous escapes from the raging element—or the alarm that pervaded the city at the prospect of general inundation. An eye witness of the terrific scene, we can but faintly portray the destruction and distress by which it was attended.

On Thursday evening last, in consequence of the immense rains that had fallen and the rapid thaw, the rivers rose to an unusual height—many houses adjacent to the rivers became untenable. During the night many families were awakened by the flood pouring into their dwellings, and many effected their escape at the risk of their lives. The shrieks and cries of the women and children could be heard throughout the night. On Friday the rivers rose with astonishing rapidity—and deluged parts of the city with such celerity that the inmates of dwellings were obliged to fly for personal safety without stopping to save their moveables. But thanks to an overruling Providence, though the inundation was sudden and unexpected, no lives were lost. The untiring efforts of the benevolent were exerted to the utmost to secure the persons and property of their suffering fellow citizens. Great interest was excited with regard to the aqueduct and Allegheny bridge. Thousands were attentive spectators of the triumphant resistance with which the former noble structure received the rude shocks by which it was assailed. The river rose upwards of a foot above the floor of the aqueduct—large masses of drift wood clustered round the piers and pressed against its whole extent, and notwithstanding these untoward circumstances, it stood the fierce ordeal without sustaining the least injury. Great credit is due to the architect, Mr. Lothrop. The Allegheny bridge would have been inevitably carried along with the ruins of the aqueduct.

It is impracticable to estimate the precise amount of damage, but it will not surpass the reality to say it exceeds two hundred thousand dollars. Several weather-



boarded houses were carried away or displaced—bales of cotton and cotton manufactory machinery damaged—lumber, dry goods, groceries, furniture, &c. destroyed or injured—and the foundations and the superstructures of brick houses sunk and rent, to such an extent that the above sum would hardly repair the loss.

The rivers rose about *thirty-one* feet above low water mark—of course this flood exceeded the memorable "*pumpkin flood*," of November 10, 1810, by about two or three feet. The first flat of Allegheny-town was completely inundated. In the city, the following ground was submerged, viz: the whole Point to Union street—and generally north of Liberty. The water ascended Wood street to the middle of Second—the corner of Diamond and Jail alleys, and the corner of Market and Liberty streets.

There are numbers thrown by this sudden calamity, on the sympathy and charity of their neighbours. Let us indulge the noblest dictates of humanity, and relieve *speedily* the wants of the poor and the needy.

COLUMBIA, FEB. 16.

The ice below us at Turkey Hill, has not yet moved: At this place the river is nearly clear of ice—what remains is fast wearing away. The water is about five feet above low water mark.

Our Baltimore mail now comes by the way of Harrisburg, but as soon as the river is clear of ice, and the ferry in operation, the usual direct intercourse with the south and west may be expected.

The damage done at Washington during the late break of the Susquehanna, was very considerable. The water was so high in Front street, that all the people living on it, were compelled to move. The new two-story ware-house of A. S. Herr, was taken from its foundation and crushed; the wall of the mill owned by Samuel C. Bonham, of York county, is so much injured, that it is feared the whole building will fall; the store-house occupied by Mr. Killy, is much shattered; the distillery of Jacob Manning is thrown into confusion; and all the cooper's shops and sheds on the lower side of Front street, are lying helter-skelter. The lumber belonging to Jesse Roberts, was also moved and considerably broken.—*Columbia Spy*.

TOWANDA, FEB. 16.

The late storm filled up the narrows on both sides of the river above this borough, and prevented all travel along the river for several days. We are informed that the snow was five and six feet deep in places. Wherever the road was not travelled as the snow fell, it is yet impossible to get along with horses, on account of the crust hurting their legs at almost every step they would take. Travelling has not been as bad for many years as it is at present.—*Settler*.

MILTON, FEB. 16.

Two arks passed this on Tuesday last, laden with bituminous coal, for the low markets. This, so early in the season, is something unusual.

Such a scene has never before occurred in our neighbourhood, as that produced by the rise of the Ohio river and Big Beaver creek, on Friday and Saturday last. The water at the junction of those streams was seven or eight feet higher than ever was known before. Bridgewater, Sharon, and Fallston were all inundated, as well as the buildings up and down the river. In some of the houses the water was up in the second story, and most of them near the ceiling in the first. A great many light buildings were carried away, together with hay and grain stacks and fences. The loss in the range where the water flowed is incalculable.

Among the sufferers in this vicinity, Stephen Stone, Esq. is the greatest. He estimates his loss at near ten thousand dollars.—His old dwelling house and stable were carried away: and a large new brick house, lately

finished, and which cost about \$4,000, is so much injured that it is believed it will fall—a brick kitchen attached to it was torn away. Messrs. D. Minis and H. J. Wasson suffered considerable loss, the dwelling house of the latter being swept off. The water was up to the ceiling in Gen. Lacock's house, and his stable and other out houses; fences and hay stacks were all carried away, and his valuable Library destroyed. At Sharon, the Foundry of Messrs. Darragh and Stow was torn away; and at Fallston the Scythe Factory of Mr. D. S. Stone was destroyed, and Messrs. Pughs, Wilson & Co. have sustained considerable loss. The islands above and below have been stripped of every thing, their occupants barely escaping with their lives.

The public works on Beaver creek have sustained little or no injury.—*Beaver Argus*.

### GIRARD'S LEGACY.

Report of the committee appointed to confer with the constituted authorities of the city of Philadelphia, and the executors of the late Stephen Girard, Esq. relative to the bequest of three hundred thousand dollars contained in his will. Read, February 6, 1832.

Mr. Ashmead, from the committee appointed by a resolution of the House of Representatives, passed January 14, 1832, to confer with the constituted authorities of the city of Philadelphia, and with the executors of the late Stephen Girard, Esq. as to what laws they conceived it necessary for the Legislature to pass, in order to enable the commonwealth to receive the benefit of the bequest of three hundred thousand dollars, contained in his will, made the following report which was read, viz:

That in compliance with said resolution; they proceeded to the city of Philadelphia, and immediately communicated a letter to John M. Scott, Esq. president of the select council, and to James Page, Esquire, president of the common council, in which they informed them of their arrival, and their willingness to co-operate with any committee that might be appointed upon the subject of the will of the late Stephen Girard, Esq. Their communication was regularly referred to the committee on the "Girard fund," and on the subsequent day, a letter was received from Mr. Scott, chairman of the committee, (which said letter is hereunto annexed marked A,) inviting us to meet them the same evening, when a skeleton of a bill would be submitted for our inspection, embracing such provisions as they conceived to be necessary to enable them to carry into full effect the will of the late Stephen Girard, Esq. That your committee accordingly attended, and co-operated with the committee appointed for that purpose, and agreed upon a bill, which was submitted by the committee on the Girard fund to councils on the following Thursday evening for their approval. That your committee, pursuant to a resolution of the common council, attended their deliberations at the time fixed, and took seats within the bar, when the bill so prepared was definitely acted upon by councils and approved. They further report, that owing to the indisposition of Mr. Cope, and the absence of Mr. Duane, from the city, they were unable to obtain an interview with the executors. They however, saw Mr. Chauncey, their counsel, who informed your committee, after perusing the bill which had been prepared by councils, that he conceived it to be amply sufficient to enable the city authorities to carry into effect all the provisions contained in the will of the late Stephen Girard, Esquire, and that he knew of no objection which the executors could possibly make to the same. At his request, your committee agreed to delay making their report, until he could have an opportunity of consulting with all the executors on the subject, when the result should be immediately communicated. This information has since been received in a letter from John K. Kane, Esq. solicitor for the city of Philadel-



phia, which is hereunto annexed, and which they desire may be taken as part of their report.

A.

J. W. ASHMEAD, Esq.

*Chairman of the Committee of the Legislature.*

DEAR SIR—Your communication to the councils of the city was received by those bodies with very great pleasure, and referred to their committee on the Girard fund. On behalf of that committee we beg yourself and colleagues to favor us with an interview at the chamber of the select council this evening, at 8 o'clock. This gratification we should have asked for at an earlier day, could we by any possibility have been ready to make such communications as would have justified us in giving you, gentlemen, the trouble of a meeting.

We are, with great regard and esteem,

Your obedient servants,

JOHN M. SCOTT,  
JAMES PAGE,

*Chairmen of the Girard Committee.*

January 24, 1832.

*Letter from J. K. Kane, Esq., to J. W. Ashmead, Chairman of the Committee, dated*

FEBRUARY 3d, 1832.

DEAR SIR—I have seen Mr. Chauncey to-day, and write to you at his instance, on behalf of Mr. Girard's executors. He says that the executors have a single amendment to make to the bill which I have sent you. It consists in the omission of the last recital in the preamble, that which relates to the provision for the college, and the injunction of certain other trusts on the corporation of the city. Strike out, therefore, after the extract from the will and the words "a certain plan therein set forth," all that follows to the "now therefore, for the purpose of enabling," &c.

He requests me also to say to you, that the time which the executors will be prepared to pay the state the \$300,000, will depend upon the trustees of the bank, from whom they are to receive it; and that the trustees have told him that they will probably be ready by the first of April. This must of course be in some small degree contingent, as the funds are yet to be got in; but the probability is altogether reasonable, that by the first of April, the money will be ready for the treasury of the state.

I shall be much obliged to you for occasional information of the prospects and progress of the bill, and will do whatever you may think advisable to advance its success.

Very respectfully and truly,

Dear Sir, yours,

J. K. KANE.

J. W. ASHMEAD, Esq.

Philadelphia, 3d, Feb. 1831.

## CORNER STONE OF THE EXCHANGE.

The 22d was appropriately chosen to lay the *Corner Stone* of the Merchants' Exchange, in Dock street, precisely at 12 o'clock, and while the grand civic procession was passing the ceremony commenced. The stone was laid twenty feet below the surface, with the following inscription:—

FEBRUARY 22d, ANNO DOMINI 1832,

Being the hundredth anniversary of the birth-day of the illustrious Washington, this corner stone of the Philadelphia Exchange was laid by the President and Directors, in the presence of the Stockholders, and a numerous assemblage of the citizens of Philadelphia.

ANDREW JACKSON, President of the United States.  
GEORGE WOLF, Governor of the State.

*Directors.*

Joshua Lippincott, *President.*

Samuel Comly, William D. Lewis,

Ashbel G. Ralston, John Siter,

Alexander Ferguson, Lawrence Lewis,

William Yardley, Jr. George Handy.

Thomas A. Alexander, *Secretary.*

## *Building Committee.*

Joshua Lippincott, Ashbel G. Ralston,

John Siter.

Ellwood Morris, *Clerk of the Works.*

John K. Kane, *Solicitor.*

William Strickland, *Architect.*

John Struthers, *Marble Mason.*

John O'Neill, *Carpenter.*

Joseph S. Walter & Son, *Bricklayers.*

David Henderson, *Marble Quarrier.*

Leiper & Crosby, *Stone Quarriers.*

Accompanying the inscription several coins of the United States of the coinage of 1832—the Philadelphia Gazette of the 21st instant—and the United States Gazette of the 22d—the former containing the programme of the grand pageant exhibited by the citizens, were placed in the stone; and likewise one of the medals struck and distributed in the civic procession. When the masons had completed their work, the following neat and happy address was delivered by Mr. John K. Kane, to a numerous and respectable audience.

FELLOW CITIZENS.—The edifice, whose deep and secure foundation we have assembled to witness, is dedicated to the uses of a commercial Exchange for the city of Philadelphia. Accustomed as we are to the rapid and silent advance of every thing about us, from the simplicity which characterizes a new settlement, to the refinements of splendour and of wealth, it has been a subject of frequent surprise that the commencement of such a structure should have been delayed so long. Yet there are even now those living amongst us, who perhaps may remember when the site which it is to occupy, was the shore of a sluggish and winding stream, where the fisherman might dry his nets,—when the commerce, which now demands so sumptuous a temple, was restricted to the trifling intercourse of a petty colony with its parent state,—and when the manufactures of Pennsylvania were unknown, even to prophecy? A few years further back,—less than a century and a half from the present moment,—a time not so remote but that some may be now living who have seen and conversed with the witnesses of the fact,—and Philadelphia had no existence, and its enlightened and benevolent founder had not yet printed with his footsteps the ground on which it stands! How vast the change! effected in a principal degree by the moral, laborious, and simple habits, devised to its people from the associates of that venerable man! How impressive a commentary on our political institutions, and the operation of laws, just, uniform, and few!

What will be the condition of Philadelphia, when a period of similar duration shall have again elapsed,—when the building which we have founded shall stand among the relics of antiquity, another memorial to posterity of the skill of its architect,—and a proof of the liberal spirit, and cultivated taste, which, in our days, distinguish the mercantile community! What then will be the condition of our country? Will the sun that shines above us, so true an emblem of our country's glory, still gladden with his beams a free, intelligent, and happy confederacy? Will the atmosphere still vibrate on the recurrence of this anniversary, with the pealings of cannon and the shouts of a joyous and grateful people?

It is not for us to look into futurity;—it is enough that we are permitted to accept with thank offerings the blessings that surround us,—and that we are required to labour for their perpetuity, by making those who are to follow us, worthy also to enjoy them.—*Poulson's Am. Daily Advertiser.*

The Centennial Anniversary of the birth day of WASHINGTON, was celebrated on the 22d instant in a very splendid manner—by processions, illuminations, &c., of which we propose to furnish a full account as soon as it can be correctly done.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. IX.—NO. 9. PHILADELPHIA, MARCH 3, 1832. NO. 218.

## REPORT UPON LOTTERIES.

### CONCLUDED.

*Report of the Committee of the House of Representatives of Pennsylvania, to whom were referred the message of the Governor and sundry memorials relating to the abolition of Lotteries.—Read February 10th, 1832, by Mr. Dunlop, Chairman.*

We come then, after disposing of these preliminary positions, to inquire what rights and privileges the several acts of Assembly have conferred upon the Union Canal Company, of what they could dispose, and to what extent they are entitled to claim the guarantee of the state.

They were authorized "to raise by way of lottery," certain sums of money, and we are called upon to decide

1. What is the meaning of the words "to raise by way of lottery."
2. What sums they had power to raise.
3. How much they have raised.
4. Whether the state is discharged of her pledge to the company.

It was earnestly insisted that the company had a right to sell absolutely, or from time to time, until the proceeds of such sale or assignments would amount to the sums they were authorized to raise; and that until the moneys they were authorized to raise by way of lottery were thus raised, the power of drawing lotteries was not exhausted: On the other hand it was urged, that the clause "to raise by way of lottery," meant that as soon as the nett proceeds of the lottery yielded the sums required, it was raised; and that, as the company had a right to sell only the right they had themselves, that whether the avails of the lottery arose from their own management, or that of their assignees, was immaterial.

The construction contended for by the company is obviously not the true one. The same phrase "to raise by way of lottery," is used in all the acts conferring the privilege in that of seventeen hundred and ninety-five, containing the original grant, in that of eighteen hundred and eleven, giving the power to sell, and in that of eighteen hundred and twenty-one, enabling the company to continue the lottery to pay the six per cent. if necessary, and it must therefore be taken in the same sense, unless there is something in the latter acts which varies the import given to it by the first, which your committee cannot perceive. Now, by the act of seventeen hundred and ninety-five, the company were authorized "to raise by way of lottery," four hundred thousand dollars, and were to manage the matter themselves, not having the power to dispose of the privilege till eighteen hundred and eleven. Clearly, then, until eighteen hundred and eleven, whatever profits the companies were able to procure from the lotteries, was so much "raised by way of lottery." The profits on the schemes was the amount placed by the process in their treasury. It is only necessary to state the case to secure assent to so evident a proposition. When we examine the twenty-eighth section of the act of eighteen hundred and eleven, we find this phraseology: "That there shall be raised, by way of lottery, the residue of the original sum, not exceeding three hundred and forty thousand dollars au-

thorized to be raised by the president," &c. of the two old companies, "pursuant to an act entitled, An act to enable the president and managers of the Schuylkill and Susquehanna navigation, and the president and managers of the Delaware and Schuylkill canal navigation, to raise, by way of lottery, the sum of four hundred thousand dollars, passed the seventeenth day of April, seventeen hundred and ninety-five." Had the company, after the act of eighteen hundred and eleven, continued to exercise the privilege as they had before, under their own management, instead of selling it, the profits on the schemes would assuredly have been "proceeds raised by way of lottery;" for that act expressly says the three hundred and forty thousand dollars, was the residue of the original sum, and to be raised pursuant to the act of seventeen hundred and ninety-five. Although the act of eighteen hundred and eleven conferred a further privilege upon the company, "if it should appear to them advisable to sell and assign to any person or persons, body politic or corporate, the right to raise the said residue of money by way of lottery or lotteries, upon such scheme or schemes, plan or plans, as they may from time to time sanction, or any part thereof, from time to time; and such purchasers or assignees shall be vested for the term they shall so acquire, with the same rights and privileges as the said corporation," it did not thereby mean to increase the amount to be raised by such lottery privilege.

Now it does seem to the committee that the construction of this clause is too plain to be misunderstood. What, were the company to sell, any new right, any greater power, than they could exercise themselves? No, but the right which they were authorized to use themselves, pursuant to the act of seventeen hundred and ninety-five. The use of the definite article too manifestly points to the right just recited, and ingenuity cannot torture the allusion to any other than that which the company would have possessed if they should not deem it advisable to sell. They had the power under this act of raising a specific sum of money, or if they should deem it advisable to authorize some one else to do so. They had in their report of thirteenth December previous, complained bitterly of its unproductiveness, and it is probable the trouble a board of managers would experience in drawing lotteries which were on the old, dull and tedious plan, induced them to ask the privilege of selling out entirely or occasionally. It was a niggardly boon to be sure, but they took it. They did deem it advisable to sell, and the first disposal they made of their new power was to make an absolute sale of it to Mr. Pratt. They sold to him for a per centage on the schemes, as already stated, but if they had sold to him for a gross sum, say one hundred thousand dollars, the company would have been done with their right entirely: They re-purchased the right from Mr. Pratt, but suppose he had chosen to retain it, what right would the purchaser have had? Would he have a privilege to draw lotteries forever—to any extent—till the company would realize out of the sale, the three hundred and forty thousand dollars? Surely not the latter, for having parted entirely with the lottery privilege for less than the third of the sum they had authority to raise themselves, they could never get any thing more than the consideration of the sale, and so upon the absurd



assumption that "to raise by way of lottery," means that the lotteries should be carried on until the company should realize from the sale the whole sum authorized to be raised, Mr. Pratt would have had a power with no limits of duration, a power of flooding the country with lotteries till doomsday. Did the legislature mean, in giving a limited power to the company, that it should be exercised without limits? Did they mean that the right to raise thousands should be construed into a right to raise millions by their assignee? Did they mean that when they gave a power to sell a limited right, that as long as they choose to conduct it themselves, it should be exercised within prescribed bounds, but if they sold this "same" right, that their assignee should be invested with not only a greater power than they had themselves, but with a power to which no limits could be discovered? A contract is to be construed in the light in which each party understands it, and it seems to your committee indisputable that the legislature and the company could have viewed this one in no other sense than that if they disposed of the privilege their assignee had the right to raise by way of lottery, a sum not exceeding three hundred and forty thousand dollars, that he had authority to raise only what the company could have raised, had they retained it in their own hands.

But suppose, instead of putting the ease of an absolute sale, we put it as it has been exercised (since the re-purchase from Mr. Pratt,) by occasional assignments from year to year, or for a term of years, and suppose the broker to whom they assign for a term should agree to give them only one thousand dollars per annum, can it be believed that the legislature meant that he should have the power of continuing his speculation for three hundred and forty years; that in defiance of the state he should pour those torrents of corruption over the land from generation to generation, until time should have worn away the dissoluble fragments of the company itself?

If however one individual can doubt the construction of so plain a case, he has but to look a few lines further and he will there find that "the purchasers and assignees" of the lottery privilege shall be vested for the term they shall so acquire with the *same* rights and privileges as the said corporation. Now can any one permit himself to be persuaded that the same right is another and greater right; that after the sale it is bigger than before; that like the fallen angels of Milton, when confined to the council chamber of the company, this fluctuating franchise shrinks into a size to suit convenience, but when it stalks abroad into the wide arena of the dealer in millions, it seems

"In bigness to surpass earth's giant sons."

The committee cannot torture the act into any other construction than that the assignee has no greater right than the company, and that as the company had the power to sell a right to raise only a specified sum, it is immaterial for what they sell it; it is immaterial how much or how little they receive as the consideration of the assignment, and that if the purchaser raises by means of the lottery the sum the company had a right to raise had they held and exercised the authority themselves they have exhausted their privilege, and the commonwealth has redeemed her pledge.

The committee might perhaps have justly insisted upon a more strict construction of the powers conferred upon the company and their assignees than that which they have adopted and might have urged, that they are chargeable not merely with the nett proceeds but with the gross sum raised by the lottery. They might have said that "the language of the grant is, not that the sum to be brought into the treasury of the company shall not exceed three hundred and forty thousand dollars, but that the amount to be raised shall not exceed that sum;"\* but it is unnecessary to be so strict, as the

nett proceeds alone of their schemes far exceed the sums they were authorized to raise, and they will conclude this portion of their argument with remarking, in the language of Chief Justice Marshall, in the case cited, that the motive for the restriction or the amount to be raised, was not to limit the sum to come into the treasury of the company, but to limit the extent of gaming which the corporation may authorize.

The committee have expatiated more fully upon this point than its plain meaning seemed to require. But as it is the main point, and if adopted by the House, leaves no further doubt that the present exercise of the lottery privilege is a gross usurpation; they have given it the attention it required. It is admitted that if the company are to be debited with the money raised by their assignee, that the amount of the profits on the schemes which have been drawn exceeds the sums they were authorized "to raise by way of lottery," even upon the most extravagant calculation the company can adopt whether the grant given by the act of eighteen hundred and twenty-one, is cumulative and distinct from that of eighteen hundred and eleven or not:

Let us now proceed to discover what sums the company and their assignees have a right to raise by way of lottery, and to ascertain whether they have not raised all that they were entitled to raise.

Under the powers conferred upon them by the act of Assembly of twenty-sixth March, eighteen hundred and twenty-one, the company claim to raise by way of lottery the balance of the sum of three hundred and forty thousand dollars, which was unraised at the date of the act, as well as such sums as may be wanted for twenty-five years, to pay the interest of six per cent. upon the new stock of four hundred and fifty thousand dollars; making twenty-seven thousand dollars per annum from the time of the subscription thereof. No calculations were exhibited to the committee setting forth the aggregate amount of these claims, but the committee will take the liberty of doing so to show the House that even upon the wildest mode of estimate the company have raised more than they were entitled to.

At the time of the passage of the act of eighteen hundred and twenty-one, the company had upon their own mode of construction, raised one hundred thirty-six thousand and two hundred and fifty dollars of the three hundred and forty thousand dollars, which the act of eighteen hundred and eleven had authorized them to raise. We will take for granted that the tolls having been pledged by the company to pay the interest on the loans, are not applicable as nett proceeds to the payment of the six per cent. to the subscribers in case of the lottery privilege. This admission, which is more than the company can ask, will place their estimate of the amount they profess to be entitled to raise by way of lottery since the act of eighteen hundred and twenty-one, on more favourable grounds than the case will justify. The amount they claim to raise would stand thus on the above suppositions:

Amount authorized by the act of	
eighteen hundred and eleven,	\$340,000
Received from lotteries up to	
twenty-sixth March, eighteen	
hundred and twenty-one,	136,250
<hr/>	
To be raised at the date of the act of eighteen hundred and twenty-one,	203,750
Interest claimed on new stock till eighteen hundred and forty-six, twenty-five years from eighteen hundred and twenty-one,	576,533
<hr/>	
Total amount the company claim to raise by way of lottery under the act of eighteen hundred and twenty one,	780,283
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The utmost sum therefore the company and their assignees had a right to raise upon their own extravagant mode of estimating, would be seven hundred and

\*See the case of Clark vs. the Corporation of Washington. 12 Wheaton, 53.



eighty thousand two hundred and eighty-three dollars, a sum the legislature had little thought they were authorizing them to raise when they passed the act of eighteen hundred and twenty-one.

The committee after showing the untenable grounds of this calculation, will present to the house the estimate of what the company can claim to raise by way of lottery after the act of eighteen hundred and twenty-one. In the first item of their account, the company charge themselves with only one hundred and thirty-six thousand, two hundred and fifty dollars, as raised by them by way of lottery—being the aggregate of what they have received from the several contractors since the act of eighteen hundred and eleven. But the committee feel assured that the company ought to charge the fund they were to raise, with the profits made by their assignees from the lotteries, and not merely with the proceeds of the sale of the right. This construction which the committee has put upon the clause “to raise by way of lottery,” is consistent with the light in which the legislature have considered such privileges granted for similar purposes to other institutions. It would occupy too much time, which has been already consumed beyond the expectation or wish of the committee, to detail the nature and extent and mode of exercise of the numerous lotteries granted by the commonwealth to other corporations. But it seems from the schemes as filed in the office of the Secretary of the Commonwealth, that it was uniformly understood that the sum to be raised by way of lottery, was the gross profit on the scheme prices.

It is likewise manifest that the company in transferring the right of lottery, considered that they were only disposing of what they could do themselves and nothing more—that they were selling to their assignee to raise what they might have raised themselves, and that they, as between them and the commonwealth, were to credit the fund to be raised with what was raised by their assignees—that if the assignees raised the money, it was the same as respected the exhaustion of the privileges, as if they had raised it themselves. We can give no other construction to the terms in their contracts with Allen and McIntyre of selling “the right, privilege and authority to raise by way of lottery in the state of Pennsylvania, so much of the sum of money which, by the said act of Assembly, it is permitted to the said company to raise by way of lottery,” &c. These words can receive no other construction than that, as soon as the money authorized to be raised, was raised by their assignee, the privilege was exhausted. To show then that there were raised more than the one hundred and thirty-six thousand, two hundred and fifty dollars at the date of the act of twenty-sixth April, eighteen hundred and twenty-one, of the three hundred and forty thousand dollars, and to explain satisfactorily to the house their mode of computing the true amount raised under the whole privilege, the committee will state the grounds on which their estimates are made.

Though the company most probably are chargeable with the gross amount, the committee will take the profits of the lotteries drawn under their auspices to be the fifteen per cent. upon the scheme prices of the tickets, deducting a reasonable sum for expenses. For instance, in the third class of the present year, which is now projecting, notwithstanding this procedure, there are twenty-four thousand eight hundred and four tickets, which at the scheme price of four dollars each ticket, is ninety-nine thousand two hundred and sixteen dollars. This sum is the aggregate of all the prizes in that scheme, and when they are drawn, the broker claims a deduction of fifteen per cent. upon each prize. He therefore, upon this scheme, will retain from the whole amount of prizes fourteen thousand eight hundred and eighty-two dollars and forty cents, being fifteen per cent. upon the scheme price of tickets. This estimate of the profit of the broker, is much below his actual receipts from the lottery; for the tickets are gen-

erally sold at an advance of fifteen per cent. or four dollars and sixty cents to country dealers, who dispose of them for the most part at five dollars, or an advance of twenty-five per cent. The gross profit of the lottery is therefore at least the fifteen per cent. upon the scheme price of the tickets, which seems to have been a uniform per centage adopted through all the contracts of the company, and during their own exercise of the privilege. It is unnecessary to go into any statement of the actual profits and the imposition practised to increase them, and it is enough for the purpose of the argument to take what they will gladly admit to be a favourable estimate.

It was alleged, however, that this estimate of fifteen per cent. of gross profit would be occasionally too high, as losses were sometimes sustained by the fraud or failure of agents, and by Mr. McIntyre's being often obliged to draw his lotteries when not more than three-fifths of the tickets were disposed of. But if the commonwealth were to look into such objections, the inquiry would be endless. It is plain that if Mr. McIntyre sells or entrusts his tickets to faithless or incompetent persons, the state don't stand guarantee for their honesty or capacity to pay. He entrusts them for his own benefit, and runs the risk for the hope of the profit. And again, if he draws his lotteries before his tickets are fully disposed of, he does so on the day fixed, because it is to his advantage to be punctual, expecting with the tickets skillfully reserved to draw a competent portion of the prizes. If deduction for such deficiencies, if any exist, were to be admitted, Mr. McIntyre would be fairly liable to account for prizes drawn by unsold tickets, and the commonwealth would thus become a partner in the very business it is her interest to suppress. He is an adventurer in the lottery to the extent of the tickets on hand at the time of the drawing; a purchaser of the unsold tickets.

The fifteen per cent. deducted from the prizes being therefore the true estimate of the gross profits, our next inquiry is, what is a reasonable deduction for expenses of the lotteries? Though the committee are satisfied that five per cent. is an ample, and more than ample allowance, they are willing in their estimates, to make a deduction of that amount for expenses; and to charge only ten per cent. upon the scheme prices, as the “nett proceeds of the lotteries.” They might, from facts and reasoning, into which they have no disposition to enter, show that five per cent. is a more than generous deduction, especially since the introduction of the new contrivance of chances. But they merely refer to one of Mr. McIntyre's own contracts, that of eighteen hundred and twenty-one, to show that he then agrees to pay the company eleven per cent. considering the four per cent. (the difference between the eleven and the fifteen,) as sufficient not only to defray the expenses, but to remunerate him for all his risk, calculating probably on the additional sum for which he would be able to sell his tickets over the scheme prices.

Assuming therefore, that the gross profit of the lottery is fifteen per cent. and that five per cent. is a fair deduction for expenses, the committee will proceed, to show what was remaining undrawn of the three hundred and forty thousand dollars, at the passage of the act of eighteen hundred and twenty-one, and how much has been drawn since, so as to satisfy the House, that the company and their assignees have most widely exceeded their privileges, and trespassed upon the patience of the public.

From the statement number one, furnished by the company, pursuant to a resolution of the House, it appears that from eighteen hundred and eleven, till eighteen hundred and twenty-one, the amount of the scheme prices of the nine classes which had been drawn in that period, was three million and sixty-eight thousand dollars. If we allow ten per cent. which is the fifteen per cent. gross profit, deducting five for expenses, we have



three hundred and six thousand eight hundred dollars, which deducted from the three hundred and forty thousand dollars, leaves thirty-three thousand, two hundred dollars, as the balance of the old sum unraised, when the act of eighteen hundred and twenty-one was passed; which with the sum of seventy thousand five hundred and one dollars and fifty-seven cents, then in the treasury of the company, admitted to be received from the lottery grants, would make the sum of one hundred and three thousand seven hundred and one dollars and fifty-seven cents, applicable by the directions of the acts of eighteen hundred and nineteen, and eighteen hundred and twenty-one, to the payment of the six per cent. to the new subscribers. We say *new* subscribers, for the act of eighteen hundred and twenty-one, suspends the pledge of the avails of the lottery to pay the old stockholders, until the completion of the canal: which after all that was said of it in eighteen hundred and twenty-seven, can only be considered as finally achieved during the last year.

Any claim of six per cent. upon the unforfeited shares, from the proceeds of the lottery, is inadmissible. The old lottery fund was, it is true, by the act of eighteen hundred and nineteen, pledged to pay as well the old as the new subscribers, whenever the new subscription should be made, but that pledge could not attach until after the act of eighteen hundred and twenty-one, as the new subscription only took place then, and by that act, the application of the old lottery grant, to pay six per cent. to the old stockholders, was expressly suspended until after the canal should be completed; and as, on the construction the committee have adopted, it was applicable by the act of eighteen hundred and twenty-one, to pay the new subscribers, it was exhausted before it could be applied to pay the unforfeited shares by the payment of the six per cent. to the new subscription. To say that any portion of the funds to be raised under the act of eighteen hundred and twenty-one, was to be applied to the old stock, is against its positive words.

We come now to another item in the estimate of the company; the right to raise, under the act of eighteen hundred and twenty-one, the sum of twenty-seven thousand dollars per annum, to pay the new subscribers six per cent. on the four hundred and fifty thousand dollars.

But as the committee are decidedly of opinion, that it was not intended to give the company a distinct grant, but that the proceeds of the old lottery, as far as they would go, were first to be applied to pay the six per cent. to the new subscribers, and exhausted in such payments, before the power to continue the lotteries beyond the three hundred and forty thousand dollars should be resorted to, they will proceed to give their reasons for this construction. The proper understanding of the privileges conferred by this act of eighteen hundred and twenty-one, is of peculiar importance, as the company will have exceeded their authority, even upon their own construction, (*that the money received by them from the proceeds of the sales, is the money raised by way of lottery.*) if there are not two distinct powers of raising money recognized in it.

The language of the first part of the section is, "that if the proceeds of the lottery granted to the Union Canal company, together with the tolls which may be collected," &c. shall not, for twenty-five years, yield six per cent. to the new subscribers, &c. What lottery is here alluded to as "granted?" To one that *had been* already granted, or as thereby granted? The lottery that had been granted was to raise the balance of the three hundred and forty thousand dollars. The act of eighteen hundred and twenty-one, speaks not of a new grant just then about to be conferred, but uses the past participle, as designating something done before. As the clause quoted could not have reference to a lottery described in any prior part of the act itself, it must have alluded to one granted either by some former act, or

some subsequent clause of the same act. The use of the past tense here, must necessarily refer to some prior act, there being no phrase qualifying its usual import. If it had allusion to a new grant, to any other than the old lottery, the language "hereby granted," would have been used, or the words "hereafter granted," or "intended to be granted."

The committee after the most patient examination of the act, are decidedly of opinion that the true meaning of it is, "That if the proceeds of the lottery which had been heretofore granted, will not with the aid of the tolls pay six per cent. on the four hundred and fifty thousand dollars, which may be subscribed by new subscribers, agreeably to the act of eighteen hundred and nineteen, any deficiency which may arise in any year for twenty-five years, shall be paid out of the public treasury, and if the proceeds of the old lottery should not be sufficient to aid the tolls throughout that period to pay the said six per cent. and also six per cent. upon the old stock, after the canal is completed, you are by this act authorized to continue to raise, by way of lottery, "what may be wanted for the purpose of paying six per cent. to the holders of said stock" during the twenty-five years. But if the tolls in any one year should be adequate to the payment of six per cent. to the stockholders, you must cease to draw lotteries during such year, except as authorized by the act of eighteen hundred and eleven, and seventeen hundred and ninety-five, under which you may proceed as speedily as you please to draw any balance, be the tolls ever so productive--and if there should be any excess overdrawn beyond what may be wanted as aforesaid, during that year, to pay with the tolls the six per cent. it must be applied to aid the tolls the following year, and thereby lessen the necessity of drawing, in any one year, more than "may be wanted." Thus the act of eighteen hundred and twenty-one, though it manifestly designs to extend this pernicious system of finance no further than was absolutely necessary to protect the public treasury; yet it does not mean to interfere with the privilege of the company to raise, or to dispose of the right to raise the balance of the three hundred and forty thousand dollars, under any circumstances, and as soon as they may please.

Upon a careful consideration of the act, this construction seems to the committee too manifest to be questioned. The provisions of this law were much discussed, and as the view which the committee have taken of it, will be conclusive of the right of the company upon their own principles of estimating the sums which have been raised, the committee take the liberty of pressing some further arguments upon the indulgence of the House, in aid of their conclusions.

Thus, when the section alludes, as already stated, to the old privilege, it uses the phrase "if the proceeds of the lottery granted," meaning that had been granted; but when it grants the power "to continue" the lottery privilege beyond the balance of the three hundred and forty thousand dollars, it uses the terms "*hereby* authorized." When the act gives the additional privilege of continuing the lottery powers, it says: "The president and managers of the said company *shall be*, and they *are hereby* authorized to *continue*, during the said term of twenty-five years, to raise, by way of lottery, any sums *that may be wanted*, for the purpose of paying to the holders of the said stock the six per cent. *as aforesaid*."

This is the first clause alluding to any grant given by this act, and if "the lottery" mentioned in the first part of the section as "granted," was not the old lottery, but a new and distinct grant, to raise six per cent. on the new subscription, if this power to "continue, &c." is the same as "the lottery granted," why again repeat the authority to exercise it. If there had been conferred a new lottery grant whose proceeds, with the tolls, were at once applicable to the payment of the six per cent., why, for the first time here, designate its limits and direct anew the application of its proceeds. But



suppose this clause should be struck out of the act, can it be pretended that a new power was conferred by the clause preceding? It is too manifest that if the company rested on the first part of the section for their power to raise more than the balance of the three hundred and forty thousand dollars, they would have long ago resorted to the public treasury to relieve the "disability" of the tolls and the lottery proceeds to make the six per cent. It is the clause above quoted, and that only, which gives any additional privilege, refers to any *new grant*. We must take the enactment then altogether, and if we do so, we find the limits of the new privilege specifically defined, and only to be resorted to "for sums that *may be wanted*." There are bounds put to this continuing right that are not set to the old one. This power of continuance is to be used only under a *certain* state of things, the first one under any.

By this clause the company are "authorized to continue to raise by way of lottery," &c. Now can the right of continuance be construed to mean something new and distinct from what it was a continuance of? Does not *continue* mean to pursue something commenced? A man continues his walk, or his habits, his business or his dissipation, and in doing so, he goes on in the old way. He is but proceeding with what he had commenced. The power to continue don't mean that the company should begin afresh, but that they might proceed with and extend what they had been drudging at for five and twenty years.

For what purpose were these sums to be raised by the continuance of the lottery "wanted?" Was it to pay the interest on the stock at *all* events, under every circumstance? No; but "for the purpose of paying to the holders of said stock the six per cent. as aforesaid." Paying six per cent. "as aforesaid," means in the manner before specified. How then had the six per cent. been directed in the previous part of the section to be paid? out of what fund? Why, from "the proceeds of the lottery granted and the tolls which may be collected." Then surely as long as the lottery proceeds or the tolls were competent to pay the six per cent., no sum could "be wanted" from the additional source—there would be no need of the exercise of the continuing power. There were two contingencies under which this new power could alone be brought into action; the failure of the lottery, and the failure of the tolls to pay the six per cent. Now those who construe the act of eighteen hundred and twenty-one, as conferring a new and distinct grant, wholly applicable to the payment of the six per cent. and unconnected with the old one, must confine themselves to one contingency alone—that of the failure of the tolls: for if it were not the proceeds of the old lottery that was to aid the tolls, the new lottery would be *always* in requisition, whenever there were a deficiency of tolls to pay the six per cent. But the first part of the act expressly says, that the six per cent. to new subscribers was payable primarily out of "the proceeds of the lottery, and the tolls which may be collected," and the latter clause says that no new privilege is conferred, except "to raise any sums that may be wanted to pay the six per cent. as aforesaid." So there must have been two wants before the continuing power could be used—that of the deficiency of the lottery proceeds, and the deficiency of the tolls collected. When in the prior portion of the section, "the proceeds of the lottery" are referred to as applicable to the payment of the six per cent. what lottery is designated? If it were the lottery granted by the act of eighteen hundred and twenty-one, as is contended for by the company, then it would have been enough to have referred to the disability of the tolls alone to produce the circumstances under which the power of continuing to raise money by lottery was exercisable. It would be absurd to say, if the proceeds of the lottery granted by this act, or the tolls collected should be insufficient to pay the six per cent., that then what sums should be wanted should be continued to be raised;

when the very clause giving the power to continue to raise the sums wanted, was only to be exercised at all when the contingencies of such proceeds being insufficient, should arise. But should we still hesitate to decide whether the proceeds of "the lottery," alluded to in the first part of the act as auxiliary to the tolls in the payment of the six per cent., we need raise our eye a few lines above the clause which has been quoted at length, to satisfy ourselves that it is the proceeds of the lottery of eighteen hundred and eleven. Can we entertain any doubt that the proceeds of the old lottery must come in aid of the tolls when we connect what has been said with the irrefragable evidence of these prior words of the act—"And in order to avoid as far as possible all disability to pay such interest, *so much* of the third section of the act aforesaid, as pledges any portion of the moneys or nett profits of the lottery aforesaid, to the payment of the holders of shares not forfeited in the late Delaware and Schuylkill, and Schuylkill and Susquehanna canal companies, be, and the same is hereby suspended until the canal shall be completed, &c." The "lottery aforesaid" is of course "the lottery" spoken of in the first part of the section, there being no other to which the word "aforesaid" would apply. The lottery, the proceeds of which were to aid the tolls in payment of the six per cent. to the new subscribers, is the only one referred to by the word "aforesaid." It is then "the lottery granted," which is pledged by "the act aforesaid." When we come to examine what act "aforesaid" it is, that pledges the avails and nett proceeds of "the lottery aforesaid" to the unforfeited shares, we find the only act alluded to by the phrase "the act aforesaid," to be the act of eighteen hundred and nineteen, cited in the first few lines of the section. That of eighteen hundred and nineteen was the act which pledged the avails and proceeds of the lottery to pay six per cent. to the old stockholders. Now when this act of eighteen hundred and twenty-one uses the terms "the lottery granted," as the lottery, the proceeds of which were to aid the tolls to pay the six per cent. and afterwards to designate that lottery, points to it as the lottery which had been pledged by an act passed two years before, can it be possible that it is a *new* lottery grant *first* conferred by, and owing its existence to the very act which speaks of it as having existed two years, aye, six and twenty years before its passage?

If then, "the lottery" in the first part of the first section of the act of eighteen hundred and twenty-one is the lottery, the proceeds of which were pledged by the third section of the act of eighteen hundred and nineteen, it is clear as the noonday sun, that it is the proceeds of the *old* lottery to raise the balance of the three hundred and forty thousand dollars, that are to be the first appropriated under the provisions of the act of eighteen hundred and twenty-one, to aid the tolls in paying the interest on the new subscription, before resort can be had to the power to continue the lotteries, if any sums should be wanted to aid the tolls and the proceeds of the lottery granted in paying such six per cent.

To get clear of this obvious direction of the act, it would do to say that the lottery designated under the phrase "the lottery granted," in the act of eighteen hundred and twenty-one, is not the lottery authorized by the acts of eighteen hundred and eleven, and seventeen hundred and ninety-five, because such construction would impair the right of the free disposal of the bounty and would give a new direction of the former pledge of its proceeds, when it is so plainly pointed out as not to be misunderstood. We should recollect that the pledge of the proceeds of the lottery to the payment of six per cent. to the stockholders, by the third section of the act of eighteen hundred and nineteen, was a benefit, the enjoyment of which they might forego; a bounty which for their own advantage they could appropriate to the payment of interest upon loans or any other legitimate object. The operation was but



taking the money out of their six per cent. pocket, to put it into the pocket to which their loan holders would make application for their interest. But in fact this pledge was only partially suspended—only as respects the old share holders, and left in full force as relates to the new subscribers.

But the committee respectfully to those who may differ from them, intimate that the pledge to the old share holders never took effect till after the act of eighteen hundred and twenty-one; as it was given on the condition that the new stock of twenty-five hundred should be first subscribed, which in fact was not done when that act passed. The act of eighteen hundred and twenty-one suspended not the pledge, for that had not attached, but “so much of the third section of the act of eighteen hundred and nineteen, as pledges any portion of the avails or nett proceeds of the lottery,” to pay six per cent. to the old stock till after the completion of the canal.

The act of eighteen hundred and twenty-one seems to have been intended as a recognition and re-enactment of the old lottery privilege, preserving the pledge of its proceeds as directed by the act of eighteen hundred and nineteen, except the temporary suspension affecting the old stockholders and giving as already stated, a new power to continue to raise from the sums as may be necessary to meet the purposes set forth. That the act of eighteen hundred and twenty-one intended to re-enact and sanction the drawing of the balance of the three hundred and forty thousand dollars, as the act of eighteen hundred and eleven, had the balance of the four hundred thousand dollars, and to embrace the old right and the power of continuance, both within its provisions; the committee conceive to be strongly implied by the terms of the proviso. This part of the act is in these words: “Provided, that whenever the nett proceeds of the tolls shall amount to the said six per cent., the privilege hereby granted of raising money by lottery, shall during such time be suspended, except so far as is authorized by existing laws.”

Now, if the privilege granted by this act was a distinct and new power, intended for, and solely applicable to the payment of the interest upon the six per cent. to the new subscribers, it is a privilege conferred by this act above, and not by any former laws. Why then except from the operation of the proviso that portion of the privilege which is authorized by existing laws? No portion of this privilege to raise money exclusively to pay interest to new subscribers out of a lottery fund distinct from the old one, was authorized by any other act than the one containing the proviso. Why then, when restricting the exercise of a power conferred by the act of eighteen hundred and twenty-one alone, except from the operation of the restriction that portion of the power which was authorized by other laws when no other law conferred any portion of the power. The privilege therefore which is designated in the phrase “the privilege hereby granted of raising money,” is not merely a new and distinct grant; but the old grant recognized and re-sanctioned by this act, and the further power of continuing the lottery as just given above. If we adopt any other construction we render the exception absurd. But by this one we render plain the meaning of the terms “except so far as is authorized by existing laws,” as having reference to the old privilege which it was permitted to pursue, whether the tolls covered the six per cent. or not. The phrase “existing laws,” is equivalent to prior acts, and refers to those of eighteen hundred and eleven, and seventeen hundred and ninety-five. If the tolls were adequate to the payment of the six per cent. the new power was to cease its operations, but the old power was permitted to operate as formerly, without restriction short of raising the whole amount; but its proceeds “in no event” were to be divided over six per cent. on the stock of the company, but the excess was to be reserved to meet any defi-

ciency that might occur in the tolls of the following year.

There is another strong argument in favor of this construction of the act, drawn from the suspension of the pledge of the lottery proceeds to the old subscribers. Is it not too manifest to be mistaken, that if it were not the proceeds of the old lottery, this with the aid of the tolls, were to be applied to pay the interest on the new subscription, under the provisions of the act of eighteen hundred and twenty-one, that there would be no propriety in suspending the right of the unforfeited shares to receive the proceeds of it, so as to enable them to pay the new subscribers? The act says: “In order to avoid, as far as possible, all disability to pay such interest, (that is, the interest on the new stock,) so much of the act of eighteen hundred and nineteen, as pledges any portion of the avails or nett proceeds of the lottery to the payment of an annual interest to the holders of shares not forfeited in the old companies, be and the same is hereby suspended.” Now if “the lottery granted” by the act of eighteen hundred and twenty-one, was a new and distinct grant, the proceeds of which were alone applicable to the payment of the six per cent. its proceeds surely had never been pledged. Why would you suspend an application of its proceeds to the old stock, when, if the lottery power owed its origin to the act of eighteen hundred and twenty-one, its proceeds could not have been pledged by the act of eighteen hundred and nineteen? This would be liberating it from a burthen to which it never had been subject: it would be relieving its proceeds from an application to which they had never been bound. If “the lottery” mentioned in the first part of the first section of the act of eighteen hundred and twenty-one, the proceeds of which were applicable to the payment of the six per cent. were not the old lottery of eighteen hundred and eleven, there was no necessity of discharging it from such application, to enable it, the better, to pay the new subscribers. If it were a new distinct lottery, indebted for its existence to the act of eighteen hundred and twenty-one alone, how could its proceeds have been pledged by an act passed two years before.

The argument, that if the act of eighteen hundred and twenty-one, intended to apply the proceeds of the old lottery to the payment of the six per cent. to the new subscribers, it were very easy for it to say so; and that the omission to do so expressly is evidence of its not being intended, falls to the ground, when we find the act so evidently makes the appropriation.

The fact of the company’s selling the privilege conferred by the act of eighteen hundred and twenty-one, shows that they viewed it as a branch of the old concern, and that they considered it necessary to preserve the connexion with the act of eighteen hundred and eleven, for the purpose of maintaining the power to sell, which is not alluded to in the act of eighteen hundred and twenty-one. If the privilege granted in the act of eighteen hundred and twenty-one is distinct and cumulative, having no connexion with that of eighteen hundred and eleven, there might be very strong ground for doubting the power to assign it; but as the company, by their contracts of eighteen hundred and twenty-one and eighteen hundred and twenty-four, acknowledge their only authority as derived from the act of eighteen hundred and eleven, they necessarily are clear of any difficulty as to the ability of disposing of the additional continuing power. They have, in the contracts, given a contemporaneous construction to the lottery privilege, consistent with the true meaning of the act of eighteen hundred and twenty-one.

There is another view of the matter which strengthens the committee in their construction. When the act of eighteen hundred and twenty-one was about to pass, the friends of the canal, ever sanguine of their success, and not disheartened by the obstacles they continually encountered, confidently anticipated an ample remuneration.



ration for all their toil. High hopes of profit had, from the earliest period of their project, cheered them in their efforts. To be satisfied of this, we need only appeal to the acts of Assembly that gave them existence, and extended their privileges. The act of seventeen hundred and ninety-one, and seventeen hundred and ninety-two, talk of a profit of twenty-five per cent.—that of eighteen hundred and seven of a surplus fund; the act of eighteen hundred and eleven, even of raising a fund out of an excess of dividends over twenty-five per cent. to buy out the canal and make it free; and the act of eighteen hundred and nineteen of reducing the dividends to twelve per cent.; and it was confidently predicted that five hundred thousand dollars, the amount to be subscribed by individuals and the state, would finish the whole work. But dams and feeders, steam engines and tunnels, were to be encountered and provided, and instead of the new subscription answering the purpose, the company have been obliged to involve themselves in loans, to the amount of one million, four hundred and thirty thousand dollars. How easy was it, however, under the flattering anticipations of eighteen hundred and twenty-one, for the company to say to the legislature, “only give us the pledge of the state for twenty-five years, to induce a new subscription, and a further continuance of the privilege, and we will soon relieve the commonwealth from her engagement, by the proceeds of the lotteries and the tolls.” They would say that “the proceeds of the lottery fund alone, will nearly pay the interest till the canal is completed, when the tolls will surely be adequate to such purpose. We expect yet, from the proceeds of the lottery, nearly forty thousand dollars, which, with the proceeds from that fund on hand, amounting to seventy thousand five hundred and one dollars, and fifty-seven cents, now invested in good stock, will, with the interest thereon, certainly keep the state clear for nearly four years; and by that time we will be in the receipt of tolls, which will be daily increasing. The state, perhaps, may not be called upon for a dollar, especially if we have the power of continuing the lottery privilege when it may become necessary; and we will agree to draw each year no more than is necessary to keep down the interest.” The legislature granted their request, with all the restrictions upon the spirit of gaming, consistent with the safety of the public treasury, which had, under the same act, appropriated to the aid of the company fifty thousand dollars, by the subscription of two hundred and fifty shares.

If the preceding reasoning on the construction of the act of eighteen hundred and twenty-one is sound, the company could not, in making their estimates, claim to draw any lotteries under the continuing power until the old lottery should be exhausted, and the tolls are inadequate to the payment of the six per cent. on the new subscription. The company having long ago exhausted the balance of the three hundred and forty thousand dollars, have no similar privileges except the power to continue the lottery, provided the tolls will not pay the six per cent. on the new subscription of four hundred and fifty thousand dollars.

The company however, in opposition to the plain meaning of the act of eighteen hundred and twenty-one, say, that no portion of either the tolls or the old lottery is applicable to the payment of the interest on the new stock, the proceeds of both being mortgaged to loan holders, the interest due whom amounts to eighty-five thousand eight hundred dollars per annum. And they make their estimates in this manner:

Balance of the lottery at date of act of eighteen hundred and eleven,	\$340,000
Raised, up to the date of the act of eighteen hundred and twenty-one,	136,250

Balance of old lottery,	\$203,750
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This sum of two hundred and three thousand seven hundred and fifty dollars of the old lottery, they say,

is yet to raise; all the money they have raised since the act of eighteen hundred and twenty-one being, they allege, procured under the power conferred by that act *has* been exclusively applied to pay the interest to the new subscribers.

Since the act of eighteen hundred and twenty-one, from sixteenth January, eighteen hundred and twenty-two, till fourth January, eighteen hundred and thirty-two, they say they have raised in pursuance of that act	\$269,210 40
Of which they have applied to pay interest on the new subscription,	189,532 94

Leaving over drawn and to be preserved to supply any deficiency of the tolls to pay the interest on the new subscriptions,	\$79,677 46
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Now it does seem to the committee upon this very mode of computation the company are transgressing their privileges, in continuing the exercise of the new lottery grant. Here they have, under the new lottery power, nearly as much accumulated from the proceeds of the sale of it as will pay three years interest of the new subscription, and yet they persist in their lotteries under this act, although it enjoins “that it shall in no event be lawful to divide any sum arising from said lottery over six per cent. upon the stock of said company, it being the intent and meaning of this act that all such excess shall be reserved to meet any deficiency thereof that may occur at any time in the tolls.” Now, if this surplus is to be reserved to meet the deficiency in the tolls, why not apply it and so save the necessity of drawing lotteries for three years.

But the proper mode of making the estimate by the company, (taking the old lottery as applicable to the payment of the six per cent. on the new subscription,) would be as follows:

Balance of old lottery to be raised at the date of the act of eighteen hundred and eleven,	\$203,750 00
Raised since, up to fourth January, eighteen hundred and thirty-two,	269,210 40

Leaving against the company over drawn of	\$65,459 40
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It is manifest therefore, on the company's own position (that the proceeds of the sale of the lottery is the money they have raised from them,) they have over-drawn their privilege sixty-five thousand four hundred and fifty-nine dollars and sixty cents, even without embracing the tolls, though expressly directed to go in aid of the payment of the interest. But the company assume the untenable position that neither the proceeds of the old lottery nor the tolls are applicable to the payment of the six per cent. to new subscribers. If these positions are wrong, the company, on their own mode of computation, have entirely exhausted their lottery privileges; and that they are wrong the committee entertain but little doubt. They think that as to the first, they have clearly established the point, that it is the proceeds of the old lottery, which by the act of eighteen hundred and twenty-one, were to go in aid of the tolls to pay the six per cent. on the new subscription. The company however, say, that the proceeds of that lottery were pledged by the act of eighteen hundred and nineteen, to the payment of six per cent. to the new subscribers, and being given as a *bounty*, have been legally appropriated by the company to pay the interest on their loans. The power of doing so the committee do not desire to dispute, but they are decidedly of opinion, that if the stockholders, instead of applying its proceeds to the payment of the six per cent., choose to relieve themselves by paying their own debts with it, they have no right to call on the public treasury to indemnify them for a disability of their own creation.



The old lottery avails were, by the act of eighteen hundred and twenty-one, to pay the six per cent., and have been exhausted in such payment, and a surplus from the whole lottery fund remains in the hands of the company.

Have the company a right then to go on and draw lotteries under the continuing power conferred by the act of eighteen hundred and twenty-one. The committee say not, for two reasons: First, the company could only use that power when the lottery proceeds failed to pay the six per cent.—Second, when the tolls were inadequate to do so. The first disability does not now exist, for there is now on hand of the lottery proceeds as much as would pay the interest on the six per cent., for more than two years.

The tolls of the company are so far from being inadequate to the payment of the six per cent. on the new subscription, that even this year, ending first November, eighteen hundred and thirty-one, their gross proceeds are now more than double the amount of the six per cent. the first year the canal may be said to be entirely complete, and to need no further repairs than those that are ordinary. The tolls of the year ending first November, eighteen hundred and thirty, amounted to thirty-five thousand, one hundred and thirty-three dollars and eighty-two cents, and this year to fifty-nine thousand, one hundred and fifty-three dollars, nearly double the amount required to save the state from the liability of her guarantee. And yet the Union Canal company can stand up and allege that they have a right to continue the drawing of extensive lotteries, in the face of these proceedings of the legislature.

But it is alleged by the company that these tolls are pledged to the loan holders, who have lent money on the faith of this pledge, and that they cannot be called nett proceeds of tolls, and applicable to the six per cent. to the new subscribers whilst they are applied to the payment of the interest on loans of the company. The committee do not undertake to dispute the propriety and power of such application; it is not necessary for them to do so. For if the tolls are pledged to pay the stockholders by the act of eighteen hundred and nineteen, if they belong to them, they may mortgage them as they can: as the company is bound for the payment of the interest to their loan holders they may as well pay it with the tolls as from their pockets. But the committee are decidedly of opinion that they must relinquish the right to call on the guarantee of the state pro tanto. If they take the tolls to pay the interest on the loans, instead of applying them to pay the six per cent. to the new subscribers, as directed by the act of eighteen hundred and twenty-one, they cannot call upon the state to redeem her guarantee, as it is expressly confined to the cases in which the tolls are not inadequate to that purpose. The insufficiency of the tolls collected is made a condition precedent to the attaching of the liability of the public treasury. Every year therefore that the nett proceeds of the tolls are competent to the payment of the six per cent., the state is no further bound. It was certainly not contemplated, at the time of the passage of the act of eighteen hundred and twenty-one, that the company would be necessitated to borrow money; at least to any great extent. The report of the commissioners of internal improvement that year, is decidedly of the opinion that the five hundred thousand dollars to be subscribed by subscribers and by the state, would be adequate or nearly so to the construction of the works. As the necessity of borrowing money and appropriating their tolls to the payment of the interest on the debt, was not in the view of the legislature at that time, the guarantee of the state was cheerfully accepted upon the positive condition, that if the tolls "which may be collected shall not yield a sum equal to an annual interest of six per cent." upon four hundred and fifty thousand dollars to be subscribed by new subscribers, then the deficiency is to be made up by warrants drawn by the Governor on the treasury. Certainly then whenever the "tolls which may be collected,"

are equal to an interest on the instalments paid up under the new subscription, there is not that state of things to justify a call by the company on the funds of the state. They have only a right to call on the Governor to draw his warrants to supply *what may be wanted*. If then the tolls are inadequate to such purpose, how can there be a deficiency to justify the call on the treasury. If the stockholders choose to apply the tolls to other purposes, they forego the payment to themselves—can any one insist with the least plausibility that the appropriation of tolls to other purposes by the company herself, lessens their amount or changes the state of things under which the guarantee of the state comes into operation.

The House must feel satisfied therefore, that as long as the tolls of the Union Canal company, which by the last report amounted to fifty-nine thousand one hundred and fifty-three dollars, and will certainly increase from year to year; will cover the twenty-seven thousand dollars, (the six per cent. to the new subscribers) the state has nothing to fear respecting her guarantee.

The committee will leave this point, which they conceive to be as plain as any of the others they have endeavoured to establish, and proceed to show that the company have exhausted their lottery privileges even upon the most extravagant mode of estimating the amount their ingenuity can suggest. Giving the company more than they can ask; that they have two distinct lottery grants, the last of which is alone applicable to the payment of the six per cent. and giving them the right to take away the fund which the state has placed between her and the operation of her pledge, and allowing that this right of drawing lotteries is to be practised for the whole period of the twenty-five years, and afterwards to raise the two hundred and three thousand seven hundred and fifty dollars of the old grant; they have even upon all these presumptions "raised by way of lottery," on the principles which the committee hope they have satisfactorily established, more money than they were entitled to raise four times over.

Granting for argument's sake then to the company, that they were entitled by the acts of eighteen hundred and eleven, and eighteen hundred and twenty-one, to raise the balance of the old lottery, which they claim to do, of two hundred and three thousand seven hundred and fifty dollars; and that they have also a right to raise the interest on the new stock as it was paid in, for the whole twenty-five years, amounting to five hundred seventy-six thousand five hundred and thirty-three dollars; making an aggregate of seven hundred eighty thousand two hundred and eighty-three dollars—yet upon this extravagant estimate they have extended their privilege beyond conception.

The following list of schemes in each year, as furnished by the company, in pursuance of a resolution of the House, shows the amount of the lotteries drawn in each year from the passage of the act of eighteen hundred and eleven, till the beginning of the present year:

Year.	Amount of Schemes.	Year.	Amount of Schemes.
1812	\$350,000	1822	\$178,295
1814	400,000	1823	132,976
1815	400,000	1824	318,300
1817	555,000	1825	1,209,640
1818	528,000	1826	1,127,875
1819	200,000	1827	1,210,172
1820	475,000	1828	1,308,763
1821	160,000	1829	2,705,748
Raised 'till		1830	4,772,882
the act of		1831	5,216,240
1821, \$3,068,000			
		Raised since	
		the act of	
		1831	18,180,891
			3,068,000
			21,248,891
		Ten per cent. on the above, is	\$2,124,889



It appears from the above list of lottery schemes, that they have amounted, from the date of the act of eighteen hundred and eleven, until that of eighteen hundred and twenty-one, to three million sixty-eight thousand dollars, and from the passage of the latter act till the beginning of the present year, to eighteen million one hundred and eighty thousand one hundred and ninety-one dollars, making an aggregate of twenty-one million two hundred forty-eight thousand eight hundred and ninety-one dollars; ten per cent. upon which will show that the company has raised by way of lottery, through the medium of their assignees, a "nett profit" of two million one hundred twenty-four thousand eight hundred and eighty-nine dollars. If we take from this amount raised, the sum of seven hundred eighty thousand two hundred and eighty-three dollars, which they pretend to claim a power to raise, we find they have exceeded their own estimate, by one million three hundred forty-four thousand six hundred and six dollars.

There is one more light in which the committee ask the indulgence of the House to place this subject, and they are done.

The Union Canal company say they have received, on their own mode of estimating the proceeds of the lotteries,

From the act of eighteen hundred and eleven till that of eighteen hundred and twenty-one, \$136,250  
And since the latter act to the present year, 269,210

Making an aggregate of 405,460  
From which deduct what they were entitled to raise, 340,000

Leaves more than they were entitled to raise under the old act, 65,460

The above sum of sixty-five thousand four hundred and sixty dollars, over what they were entitled to raise by the act of eighteen hundred and eleven has been raised under the continuing power given by the act of eighteen hundred and twenty-one up to this time, when the tolls are more than doubly sufficient to relieve the state from all responsibility.

If this monstrous system, as now pursued, will be permitted to continue—if it must be prosecuted till eighteen hundred and forty-six, the end of the twenty-five years, to the same extent they have been the last year, before that distant day arrives lotteries to the amount of perhaps seventy million of dollars, will have tarnished the moral purity of Pennsylvania. If we add to this prodigious sum the amount already drawn under the auspices of the company since the act of eighteen hundred and eleven, we will have an aggregate of at least eighty-eight million one hundred eighty thousand eight hundred and ninety-one dollars.

Your committee submit it to the House, to any human being of the most towering credulity to say if it can be credited for one moment that the legislature could have supposed they were entailing on themselves and their posterity, so galling a burthen without any expectation of redress. But they hope they will be permitted to say that the usurpations of this corporation will stand as a lofty beacon to warn us of the danger of trusting to any system of finance that is based upon an immoral foundation; and they confidently hope that when this blot is wiped away, the legislative power of the state will never again be allured to tarnish her fair fame to protect her treasury; but that that "VIRTUE" which shines conspicuous upon the escutcheon of our commonwealth, will remain as unsullied as her "LIBERTY and INDEPENDENCE."

From the Philadelphia Gazette.

#### PROCEEDINGS OF COUNCILS.

Thursday, Feb. 23, 1832.

SELECT COUNCIL.—Mr. JOHNSON presented petitions praying that Schuylkill Fifth street and Lombard street, from Thirteenth street be paved, which were referred to the Paving Committee.

Mr. PETITT called up for consideration the ordinance relative to the cording of wood, &c. which was agreed to, and passed by the Select Council, but was amended in Common Council.

COMMON COUNCIL.—Mr. ORIE as chairman of the committee of accounts, made the following report, which was adopted.

The committee of accounts beg leave to report, that they have examined the accounts of the city treasurer for the quarter of the year ending, 31st Dec. last, together with his accounts with Dr. Benj. Franklin's and John Scott's Legacies for the same period, and compared the same with the respective books of accounts, bank books and other vouchers, all of which they have found to be correct.

Mr. MAYBERRY presented petitions praying that Schuylkill Fifth street from Market to Race, and Filbert street, from Schuylkill Sixth to Third street be paved, which was referred to the paving committee.

Mr. OLDENBURG as chairman of the committee to whom was referred the communication of WILLIAM RUSH, made the following report and resolution with accompanying documents, which were agreed to.

The committee to whom was referred the communication of Wm. Rush, Esq. on the subject of the navigation of the river Schuylkill,

Beg leave respectfully to report, that they have attended to the duty assigned them; that they have conferred with the wardens of the port, whose resolutions are herewith presented,—and from the best information they have been able to collect on the subject, they are of opinion that there ought to be a space left between the wharves on each side of the river of at least 400 feet. In conformity with this view of the subject, the committee requested Messrs. Craff, McClure and Haines, to delineate wharf lines on the plan of the river in such manner as in their opinion would be least injurious to private property, which they have done and explained in their report, also herewith submitted.

Under all the circumstances of the case, your committee deem the subject of sufficient importance to induce them to recommend to Councils to petition the Legislature for a law to establish lines to which wharves may hereafter be erected at least 400 feet from each other—and also lines not less than 125 feet from the said wharf lines, within which no stores or other permanent building shall be built, and that no wharf shall be more than two feet above ordinary high water mark. The committee therefore respectfully offer the following resolution—

Resolved, by the Select and Common Councils, that the committee be authorized to confer with such committees, as may for that purpose be appointed by the commissioners of the district of Spring Garden, and proper authorities of the townships of Passyunk, Moyamensing, Blockley and Kingsessing, on the subject of the laws which are proper to be passed for regulating the construction of wharves on the river Schuylkill; and that the city Solicitor be directed, to prepare a bill under the instructions of the committee to be presented to the Legislature for their consideration.

*To the Select and Common Councils of the City of Philadelphia.*

Gentlemen,—In pursuance of a resolution of the Councils of the 22d of December 1831—The undersigned proceeded to survey and take the soundings of the river Schuylkill, noting the relative situation of wharves, buildings and other permanent improvements on its margin, as well as the width of the channel, and its depth in various places at low water to hard bottom, and have marked the results on the plan of the river accompanying this report. Owing to indisposition, the unfavorable state of the weather, and breaking up of the



ice, we were prevented from proceeding further than from Fairmount to Gray's ferry bridge.

At the request of the committee of Councils appointed on the communication of Wm. Rush, Esq. in relation to this subject, we have in conjunction with Fred'k. Graff, Esq. delineated on the said plan, wharf lines on each side of the river at the distance of 400 feet from each other, showing the limits to which wharves may hereafter be extended in such a way as, in our opinion, is best calculated to pass off the freshets in the river, preserve its navigation, and be the least injurious to private property. A detail of the soundings is sent herewith.

SAMUEL HAINES,  
DAVID M'CLURE.

*The following are the details of the survey of the river Schuylkill from Fair Mount to Gray's Ferry.*

In various parts of the river since the survey taken by Mr. M'Clure in 1828, some alterations have taken place, particularly in that of the soundings.

Under the upper bridge it has deepened 4 feet. Its greatest depth at present is 31 feet taken at low water, and 33 feet to hard bottom, which is stony. At the time the bridge was built the depth was only about 14 feet. The water course between the abutments is 340 feet. The whole character of the soundings at this, and other places, is appended to this report.

The greatest depth taken on the line at right angles from Nixon's wharf, is 12 feet to mud, and 21 feet to hard bottom, which is gravel. It has deepened since the survey of 1828 two feet. The breadth of the river from the wharf to low water mark on the opposite side is 416 feet.

The greatest depth taken on the line at right angles from Bolton's wharf is 11 feet to mud, and 21 feet to hard bottom, which is also gravel. It has deepened 1 foot. The breadth of the river from the wharf to low water mark on the opposite side is 480 feet.

The greatest depth taken on a line at right angles from the wharf at Vine street, is 16 feet to sand, and 23 feet to hard bottom, which is also gravel. The whole vertical section here has been considerably increased, not that its greatest depth is more than formerly, but there is a much larger proportion of deep soundings. The breadth here from the wharf to the opposite side at low water, is 491 feet.

The greatest depth taken on a line at right angles from Race street wharf, is 12 feet to rock, corresponding with the former survey. The bottom here is one general ledge of rocks, nearly half way across. The breadth from the wharf to the opposite side at low water, is 450 feet.

The greatest depth taken on a line at right angles from Arch street, at low water mark, is 13 feet to sand, and 16 feet to hard bottom, which is stony, and also corresponds with the former survey. The breadth from low water to low water is 480 feet.

Under the middle bridge the greatest depth is 29 feet to hard bottom, which on the former survey was covered with about 4 feet of alluvion.

The greatest depth on the line which connects Wetherill's wharf on the east and that on the west side of Schuylkill, is 20 feet to sand, and 29 feet to hard bottom, which is gravel. It has deepened here about 2 feet. The distance between these two wharves is 367 feet.

The greatest depth taken on a line at right angles from White's wharf below Walnut street, is 18 feet to sand, and 22 feet to hard bottom, which is gravel. It has deepened here 2 feet. The breadth of the river from the wharf to low water mark on the opposite side, is 396 feet.

The greatest depth taken on a line at right angles from the wharf at the woollen factory, between Spruce and Pine streets, is 18 feet to soft sand, and 26 feet to hard bottom, which is also gravel. It has deepened here 2 feet. The breadth of the river from the wharf to low water mark on the opposite side is 388 feet.

The greatest depth taken on a line at right angles, from the wharf at Lombard street is 18 feet to soft sand, and 28 feet to hard bottom, which is gravel. It has deepened 1 foot. The breadth of the river from the wharf to low water mark on the opposite side, is 420 feet.

The greatest depth taken on a line at right angles, from the wharf at South or Cedar street, to the Alms House wharf, on the opposite side is 19 feet to sand, and 20 to hard bottom, which is gravel. It has deepened about one foot. The breadth between the wharves is 409 feet.

The greatest depth taken on a line at right angles, from the wharf at the Arsenal, is 19 feet to sand, and to hard bottom 27 feet, which is gravel. It has deepened here 3 feet. The breadth of the river from the wharf to low water mark, on the opposite side is 492 feet.

The greatest depth taken at Gray's ferry bridge is 26 feet to mud, and at 41 feet, which was as far as the rod could be pushed, did not reach hard bottom. No alterations in the soundings have taken place here.—The breadth from low water to low water, is 330 feet.

Thus it appears that an increase of depth from 1 to 4 feet is found in various places, occasioned by causes very naturally calculated to produce this effect, the principal of which is the increased number of wharves, by which the river has been narrowed, and the passage for the water considerably circumscribed. Under such circumstances, connected with the pressure of a strong freshet, it is easy to conceive how readily every moveable obstruction must give way before the mighty element when it is straightened, and seeks a passage.

The extensive flat, between the middle and upper bridge, on the West side of the river, has claimed particular attention, and excited deep solicitude. Over this flat the freshets find a free passage, and which not unusually rise so high as to occupy nearly one half the then existing vertical section across the river.

In round numbers:—the breadth of the flat at right angles with Bolton's wharf is 750 feet. On the rise of a freshet 10 feet above the ordinary tide, (which a few years since took place) there will exist on this flat a section of 9360 feet, at the same time there will be found over the breadth of the river 480 feet (taken at low water) an additional area of 7680 feet, to which areas add 3744 feet, (the area of the section at low water) and the amount is 20,784 feet, the whole area across the river during such a freshet, of which, as has been stated, 9360 feet occupies the space over the flat, which is nearly one half the whole section.

In an ordinary tide there will be found on the flat a section of 2160 feet;—over that portion of the river circumscribed to the low water mark 2880 feet, and the area of the section at low water 3744 feet, which in all amount to 8784 feet, the whole area of the section in an ordinary tide; 2160 feet of which, as has been stated, cover the flat, making nearly one fourth of the area of the whole section.

The consideration of this subject alone is sufficient to awaken our fears, should obstructions be indiscriminately multiplied; and as the bed of the river at Race street, as has been stated, is one ledge of continued rock, the constructing of any extensive permanent obstacles on this flat would inevitably be attended with tremendous consequences, not only to private property but also to the pure fountain, whose streams, in these days of temperance, give health and comfort to our citizens,—the glory, and boast of our city, the Fair Mount Water-works.

The following tables exhibit a number of soundings taken at low water. The first column of each, shows the distance each sounding is taken from the shore or wharf expressed at the head of the tables;—the second column the corresponding depth to the alluvion, the nature of which is given, and the third column shows the depth to hard bottom from the surface of the water,



the character of which is also exhibited. At the foot of each table is given the area of the sections to hard and soft bottoms taken at low water.

Under the Upper Bridge at low water.

	Feet.	In.
From the abutment E. to L. W.	24	5
From low water to low water,	297	2
From L. W. to abutment W.	18	5

From abutments East to West, 340 0

From L. W. East to L. W. West.

Feet	Feet	Feet
20	13 gravel	13 stony
40	26 sand	29 stony
59	30 sand	33 stony
79	30 sand	33 stony
99	30 sand	33 stony
119	31 sand	33 stony
139	26 sand	29 rock
158	26 sand	29 rock
178	24 sand	28 rock
198	26 sand	30 rock
218	25 sand	28 rock
238	26 rock	26 rock
257	25 rock	25 rock
277	18 rock	18 rock

297 to L. W.

Area of section of water course 5,902 feet.

Area of section to hard bottom 7,706 feet.

On a line taken at right angles from Nixon's Wharf.

33	10 mud	20 gravel
66	12 mud	19 gravel
99	12 mud	21 gravel
132	12 mud	20 gravel
165	12 mud	20 gravel
198	12 mud	19 gravel
231	12 mud	18 gravel
264	11 mud	17 rock
297	9 mud	18 rock
330	9 mud	17 gravel
363	6 mud	16 sand
396	3 mud	15 sand

416 to L. W.

Area of section of water course 3,744 feet.

Area of section to hard bottom 7,613 feet.

On a line taken at right angles from Bolton's Wharf.

33	8 mud	22 sand
66	11 mud	21 sand
99	11 mud	21 hard sand
132	11 mud	21 hard sand
165	10 sand	18 hard sand
198	10 sand	18 hard sand
231	10 sand	17 hard sand
264	10 sand	16 gravel
297	10 sand	16 gravel
330	10 mud	17 gravel
363	9 mud	15 gravel
396	6 mud	15 hard sand
429	3 mud	13 *mud
462	1 mud	11 mud

480 to L. W.

Area of section of water course 3,840 feet.

Area of section to hard bottom 8,256 feet.

On a line taken at right angles from Vine street wharf.

33	13 rocky	13 rocky
66	14 sand	15 rocky
99	16 sand	23 gravel
132	13 sand	22 gravel
165	12 sand	16 rocky
198	11 sand	19 gravel

\*When the soundings in the third column is to mud, it shows the greatest depth that three men could push the rod through the same.

231	11 sand	19 gravel
264	10 sand	18 gravel
297	9 sand	17 gravel
330	8 mud	16 mud
363	6 mud	14 mud
396	4 mud	12 mud
429	2 mud	11 mud
462	1 mud	10 mud

491 to L. W.

Area of section of water course 4,566 feet.

Area of section to hard bottom 7,856 feet.

On a line taken at right angles from Race street wharf.

33	11 clay	15 mud
66	12 rock	12 rock
99	12 rock	12 rock
132	12 rock	12 rock
165	11 rock	21 rock
198	9 rock	9 rock
231	10 sand	12 gravel
264	11 sand	13 gravel
297	10 sand	15 gravel
330	9 sand	15 gravel
363	8 sand	15 gravel
396	5 sand	15 gravel
429	3 mud	15 mud

450 to L. W.

Area of section of water course 4,230 feet.

Area of section to hard bottom 5,895 feet.

On a line taken at right angles from L. W. at Arch street.

33	6 stony	6 stony
66	11 stony	11 stony
99	13 sand	15 stony
132	13 sand	16 stony
165	13 gravel	15 stony
198	13 gravel	14 stony
231	12 sand	15 stony
264	11 sand	16 sand
297	10 sand	16 sand
330	9 sand	16 sand
363	8 sand	15 sand
396	7 mud	14 sand
429	5 mud	13 mud
462	3 mud	13 mud

480 to L. W.

Area of section of water course 4,460 feet.

Area of section to hard bottom 6,720 feet.

Under the middle Bridge, from E. Wharf to first pier.

20	3 mud	5 stony
40	5 mud	6 stony
60	5 stony	5 stony
80	5 stony	5 stony

90 to pier E.

From E. to W. Pier.

20	8 stony	8 stony
40	14 sand	17 stony
60	24 stony	24 stony
79	29 stony	29 stony
99	28 stony	28 stony
119	28 stony	28 stony
139	29 stony	29 stony
158	24 stony	24 stony
178	25 gravel	25 gravel

189 to pier W.

From pier W. to abutment W.

20	28 stony	28 stony
40	22 mud	28 stony
60	14 mud	25 mud
79	5 mud	18 mud
99	3 stony	3 stony

125 to abutment

The whole water space is 405 feet.

Area of section of water course 6,949 feet.

Area of section to hard bottom 8,074 feet.



In a line with the face of the old basin and north thereof, and at right angles to the first wharf below the bridge on the west side. 6 ft. 7 in. to L. W.

33	7 mud	9 gravel
66	15 stony	15 stony
99	23 stony	23 stony
132	29 stony	29 stony
165	30 stony	30 stony
198	31 stony	31 stony
231	27 mud	31 gravel
264	16 mud	27 mud
297	14 mud	26 mud
330	11 mud	20 mud

363 to wharf.

Area of section of water course 7369 feet.

Area of section to hard bottom 8748 feet.

From Wetherill's wharf, 16 feet deep on the east to Wetherill's wharf on the west side of Schuylkill.

33	20 mud	25 stony
66	20 sand	29 gravel
99	20 sand	29 gravel
132	20 sand	29 gravel
165	20 sand	29 gravel
198	20 sand	29 gravel
231	13 mud	28 sand
264	10 mud	27 mud
297	7 mud	26 mud
330	6 mud	20 mud
363	5 mud	18 mud

367 to wharf.

Area of section of water course 5358 feet.

Area of section to hard bottom 9652 feet.

On a line taken at right angles, from Mr. White's wharf below Walnut.

33	12 stony	12 stony
66	18 mud	20 gravel
99	18 sandy	22 gravel
132	17 sandy	24 gravel
165	16 sandy	25 gravel
198	15 mud	25 mud
231	15 mud	25 mud
264	14 mud	25 mud
297	11 mud	25 mud
330	7 mud	22 mud
363	2 mud	15 mud

396 to L. W.

Area of section of water course 4871 feet.

Area of section to hard bottom 8633 feet.

On a line taken at right angles from the wharf at the Woollen factory, which is 10 feet deep.

33	12 rock	12 rock
66	15 rock	15 rock
99	17 sand	22 rock
132	18 sand	23 rock
165	18 sand	26 gravel
198	17 sand	25 rock
231	16 sand	24 gravel
264	15 mud	21 mud
297	13 mud	20 mud
330	11 mud	18 mud
363	2 mud	12 mud

388 to L. W.

Area of section of water course 5432 feet.

Area of section to hard bottom 7682 feet.

On a line taken at right angles from Lombard street wharf, which is 10 feet deep.

33	18 mud	28 mud
66	18 sand	28 gravel
99	17 sand	28 gravel
132	16 sand	26 gravel
165	15 sand	25 gravel
198	14 sand	23 gravel
232	13 mud	22 mud
264	11 mud	19 mud
297	9 mud	17 mud

330	7 mud	14 mud
363	5 mud	13 mud
396	2 mud	11 mud

420 to L. W.

Area of section of water course 5040 feet.

Area of section to hard bottom 8821 feet.

On a line taken at right angles from South street wharf, which is 6 feet deep, to a wharf opposite.

33	11 gravel	12 stony
66	14 stony	14 stony
99	17 stony	17 stony
132	19 sand	20 stony
165	18 sand	19 gravel
198	17 sand	18 gravel
231	14 sand	20 gravel
264	13 mud	23 mud
297	12 mud	22 mud
330	11 mud	21 mud
363	10 mud	22 mud
396	8 mud	20 mud

409 to wharf 7 feet.

Area of section of water course 5562 feet.

Area of section to hard bottom 7771 feet.

On a line taken at right angles from the Arsenal wharf, which is 8 feet deep.

33	15 mud	19 gravel
66	18 sand	20 gravel
99	19 sand	21 gravel
132	18 sand	22 gravel
165	18 sand	23 gravel
198	18 sand	27 gravel
231	18 sand	27 gravel
264	17 mud	25 mud
297	17 mud	25 mud
330	16 mud	24 mud
363	15 mud	23 mud
396	14 mud	23 mud
429	12 mud	23 mud
462	10 mud	23 mud
480	6 mud	20 mud

492 to L. W.

Area of section of water course 7577 feet.

Area of section to hard bottom 11,316 feet.

Soundings taken on Gray's ferry bridge from east to west, and from L. W. to L. W.

33	10 mud	17 mud
66	20 mud	28 mud
99	25 mud	34 mud
132	26 mud	40 mud
165	22 mud	41 mud
198	23 mud	41 mud
231	26 sand	36 gravel
264	20 sand	29 gravel
297	13 gravel	13 gravel

330 to L. W.

Area of section of water course 6765 feet.

Area of section to hard bottom 10,230 feet.

Explanation of Survey and the Soundings of the river Schuylkill, and of the wharf lines delineated on a plan of the said river from Fairmount to Gray's ferry.

1. The figures on the red line denote the width of the river at low water.

2. The figures immediately under the red lines express the area of a section of the river from low water to common bottom.

3. The figures immediately under those last mentioned, express the area of a section of the river to hard bottom, of sand, gravel, or rock, as the case may be.

4. The wharf lines are at the distance of 400 feet from each other; that on the eastern side of the river commences at the S. W. corner of the eastern abutment of the Lancaster Schuylkill bridge, thence extending in a straight line to the N. W. corner of Nixon's wharf, along the said wharf to the S. W. corner



thereof, thence in a straight line to a point 40 feet west of the N. W. corner of Bolton's wharf, thence in a straight line to the most westerly part of the wharf on the south side of Vine street 686 feet west of Ashton street, as measured along the said Vine street, thence to a point 30 feet west of the public wharf at Sassafras street, 390 feet west of Ashton street, measured along Sassafras street, thence to a point in range with the north line of Mulberry street, at the distance of 350 feet west of Ashton street, thence to the N. W. corner of the wharf at High street, 473 feet west of Ashton street, and along the face of the said wharf, to the south line of High street, thence to the most westerly point of Watson's wharf on the south side of Chesnut street, 323 feet west of Beech street, thence to the N. W. corner of the New York and Schuylkill Coal Company's wharf, 133 feet west of their brick storehouse, and 465 feet west of Beech street, thence to a point 30 feet west of Jacob S. Waln's most southerly wharf, and 360 feet west of Willow street, thence to the N. W. corner of the wharf, at the woollen factory 560 feet west of Willow street, thence along the said wharf, and to a point in range with the S. line of Lombard st. 470 feet from Bank st. measured along the said Lombard street, thence to the N. W. corner of Lawrence's wharf, on the south side of Cedar street 828 feet west of Bank street, measured along the south line of Cedar street, thence to the N. W. corner of the wharf, belonging to the *Naval Asylum*, and along the same to the S. W. corner thereof, thence in a straight line to a point 90 feet west of the wharf belonging to the *Arsenal*, thence at the distance of 400 feet from the line of low water on the west side of the river, to the extent of 1200 feet, thence to a point 60 feet north of a rock on which a buoy is placed, thence to a point 500 feet southerly from Hamilton's rock, thence to the edge of low water on the southerly side of the river, thence 500 feet further to a point 500 feet distant from fast land on the north westerly side of the river, thence to a point 440 feet from the most prominent point of fast land immediately north of Mill creek, thence S. W. to a point 400 feet north of Gray's ferry bridge, thence to a point 30 feet east of low water, at the east end of the said bridge.

When the wharf lines are fixed and determined, a more particular reference to permanent objects on shore will be necessary, previous to their being recorded.

WARDENS' OFFICE, }  
Philadelphia, 6th Feb. 1832. }

Extract from the minutes of the Wardens of this date, viz:

"The Board met agreeably to adjournment, (all present,) after deliberating on the subject, passed, unanimously, the following resolutions, viz:

Resolved, that it is necessary and expedient to fix and determine by law the *wharf lines*, on both shores of the river Schuylkill, from Fairmount dam, to the mouth of said river, so that an area of not less than        feet be left for the free passage of the water.

Resolved, That it is important to the public interest, that provision be made by law, to lay out a street or passage along the fronts of said river, and that no buildings or other obstructions, ought to be erected, within the distance of        feet from the *wharf lines* thereof.

Attest—THOS. JACKSON, Clerk.

Mr. FRITZ as Chairman of the committee to whom was referred the letter of the Marble Masons, made the following report.

The committee to whom was referred the communication received from the Marble Masons of the city and county of Philadelphia, report that they have attended to the duties assigned them by receiving and depositing the corner stone for the contemplated Washington Monument in the Hall of Independence, and ask to be discharged.

Mr. LEHMAN offered the annexed resolution which was adopted.

Resolved by the Select and Common Councils, That the resolutions of the Wardens of the city of Philadelphia; the report of the committee appointed by Councils and the Surveys by persons employed, together with other papers in relation to the navigation of the river Schuylkill, be printed in pamphlet form to the amount of 200 copies for the use of the members of Councils and others.

From the Philadelphian.

### MARRIAGE CASE.

We have inserted on our last page a Report on the subject of the marriage of an apprentice; because the subject is one of moral and pecuniary interest to all the clergymen in Pennsylvania. Not a few of them have been compelled by the eupidity of the masters of apprentices to pay fines for having been deceived by persons who said they were of age, and were not. It is impossible in large cities, that clergymen or magistrates should know one in ten of the persons who desire them to take cognizance of and record the fact of a marriage union. Most marriages in cities take place in the houses of clergymen, or the offices of magistrates. The parties come to us with their friends, and certify us that they are of age; that their parents, or guardians consent to their union; and that there are no legal impediments in the way; when behold one or the other newly married person is proved to want a few months of twenty-one years, and fifty pounds damages are demanded of him who recorded the engagement of the bride and her bridegroom. We have known many clergymen who have been obliged to pay this fine, when they were perfectly innocent of any connivance at a clandestine marriage; and would not have been induced by any consideration to have favoured the improper marriage of minors. There was an instance in this city in which an old woman of respectable quaker dress and appearance personated the mother and gave consent that Dr. P. M. should marry the bride whom she called her daughter: but on the next day the £50 were demanded. Not many years since a guardian in the vicinity of Philadelphia gave his ward five dollars to fee a Baptist clergyman for marrying him, and then said guardian sued the clergyman for the £50, because his consent had not been formally obtained.

As the laws of the state now stand, clergymen and magistrates must be continually in jeopardy, or else thousands of persons will find unreasonable obstructions to their becoming lawfully united in wedlock. If they should marry by agreement and not before some person or persons required and authorized to make a legal record of such union, great injury and immorality would result to the community. The Legislature has been repeatedly importuned, but in vain, to enact some wholesome law on this subject. Different Governors have recommended the marriage laws to the revision of our Legislatures, but they have thought it needless to do any thing, because in country towns every body knows every body, and magistrates and ministers are not therefore liable to be cheated into such professional services as incur the fine. It is some satisfaction to us, to have it settled, as it now is in Pennsylvania, that the master or mistress of an apprentice has no right to consent to the marriage of said apprentice; that parents or guardians alone have this right; and that masters or mistresses of apprentices cannot recover the fine of fifty pounds, if said apprentices should be united in marriage during their minority.

### Tried before the Supreme Court of Pennsylvania.

John Altemus

vs.

Rev. Ezra Stiles Ely, D. D.

} Error to the  
Supreme Court.

This was an action of debt brought to June Term, 1824, in the District Court for the city and county of



Philadelphia, to recover a penalty of \$133 33 $\frac{1}{3}$  for marrying the plaintiff's apprentice. The cause was tried at March Term 1827, and a verdict taken by consent, for the plaintiff, subject to the opinion of the Court. At a subsequent term, the cause was argued by Joseph McIlvaine and James Mahany, Esquires, for the plaintiff, and Henry Chester, and Charles Chauncey, Esquires, for the defendant, when judgment was entered for the defendant, to which the plaintiff took a writ of error to the Supreme Court.

The only question presented for the consideration of the Supreme Court was, whether the master of an *indentured apprentice*, as distinguished from the master of an *indentured servant* or *servant by agreement* could sustain an action for the penalty of £50, which is in certain cases recoverable under the supplement of the Marriage Act, passed in 1729-30. It was not denied that parents and guardians, and masters and mistresses of *indentured menial servants* could sustain the action if they could satisfy a court and jury that they had been grieved by a violation of the act.

THE OPINION OF THE COURT was delivered by Judge Kennedy;—and is as follows:

This was a writ of error to the District Court for the city and county of Philadelphia. The plaintiff in error was the plaintiff below, and brought this suit as the master of an apprentice against the defendant, a clergyman, to recover the penalty of fifty pounds for marrying the apprentice of the plaintiff without his consent. This penalty was claimed to be recovered by the plaintiff for the violation of the Act of Assembly passed the 14th of February 1729-30, entitled "a supplement to the act, entitled an act, for preventing clandestine marriages." The only question which has been raised in this case by the error assigned, is, whether an apprentice be embraced within the words "indentured servants," which by the Act, justices of the peace, clergymen, ministers or other persons are prohibited from joining in marriage, without the consent of their masters or mistresses. The court below decided that such an action would not lie for the master of an apprentice although it would by the master of a servant.

In order to determine this question correctly, it may be well to refer to the words of the original act, as well as the supplement. The original act, (1 Smith's Laws, 21,) among other things declares, that "if any *servant* or *servants*, shall procure themselves to be married, without the consent of his or her master or mistress, such *servant*, or *servants*, shall for such their offence, each of them serve their respective masters or mistresses one whole year after the time of their servitude by indenture or agreement is expired. And if any person being free, shall marry with a servant as aforesaid, he or she so marrying, shall pay to the master or mistress of the servant, if a man, twelve pounds, and if a woman, six pounds, or one year's service; and the servant so being married, shall abide with his or her master or mistress according to the indenture, or agreement, and one year after as aforesaid." The preamble to the supplement, (1 Smith's Laws, 180,) recites that, "whereas the good intention of an Act of Assembly of this province, entitled an act for preventing clandestine marriages, hath been very much eluded by reason that no proper penalty is by the said law imposed upon the justice of the peace, or other person marrying or joining in marriage any person contrary to the intent and meaning of the said act, for remedying whereof, be it enacted that no justice of the peace, shall subscribe his name to the publication of any marriage within this province, intended to be had between any persons whatsoever, unless one of the persons at least, live in the county where such justice dwells, and unless such justice shall likewise have first produced to him, a certificate of the consent of the parent or parents, guardian or guardians, *master* or *mistress* of the person whose names or bans are to be published, if either of the parties be under the age of twenty-one years, or under the tuition of their parents, or be

*indentured servants*," &c. The second section then imposes a forfeiture of fifty pounds upon every justice of the peace, clergyman, minister, or other person who shall join in marriage, contrary to the provisions of these acts, "to be recovered in any court of record within this commonwealth, by bill, plaint, or information, by the person or persons grieved; if they shall sue for the same."

It has been urged by the counsel for the plaintiff in error, that the term "servant," in legal acceptance at least, embraces an apprentice. That this appears not only from Jacob's Law Dictionary, but from Viner, Blackstone, and others, who have classed apprentices with servants; have treated them as a species of servants, and laid down the law in respect to them under the title of "master and servant." This argument, if it prove any thing, proves more than the plaintiff claims, because it is admitted on his part, that hirelings are not embraced under either of the acts, yet nothing is more certain, than that they are embraced within the genuine term "servants" in its legal signification. But I think it apparent from the phraseology of these acts, that it was not the intention of the Legislature to employ the term "servants" in its legal genuine sense, and more especially in the supplementary act which is the one that imposes the penalty. The original act declares, that if servants shall procure themselves to be married without consent of their master or mistresses, that they shall for such offence, "serve their respective masters or mistresses *one whole year* after the time of their servitude by *indenture* or *agreement*, is expired." The terms employed in the supplementary act, are "indentured servants," which are more definite, and perhaps more restrictive than the phraseology used in the original act. The supplement is in positive terms confined to the cases of *indentured servants*, and I will not say but what this ought to be considered as explanatory of the description of servants intended to be embraced by the first act, and that neither were intended to be extended to other than *indentured* servants. For the preamble to the supplement would seem to indicate, that its design was to provide a suitable punishment for those who should join such servants in marriage as were prohibited from marrying by the original Act, under a penalty of having their term of servitude extended one year beyond the term of their indenture or engagement. These acts, although it may be said, that in one point of view, they are remedial, yet it must be admitted, I think, that they are highly penal; for by the provisions of the first Act, the servant who offends against it, is made to serve his master or mistress, one whole additional year whether the master or mistress shall have sustained damage or not, by the servant's marrying without consent. And by the supplementary Act, the person who joins an indentured servant in marriage is made to pay fifty pounds to the party grieved, that is, to the master or mistress whether he or she shall have sustained any actual damage by it or not. I am therefore inclined to believe, that in the construction of these acts, we are bound to confine ourselves to what shall appear to have been clearly and manifestly the intention of the Legislature in passing them; and that this intention must be collected from the various parts of these acts taken together, and the terms used therein, as also from other acts passed about the same time, and subsequently, in relation to servants and apprentices, and not from our own notions of what may, or ought to be considered as existing evils at the present day on this subject, and therefore proper to be considered as coming within the provisions of these acts. I think that it may be safely affirmed, that at no period in Pennsylvania has the term "servant" in common parlance been extended to an apprentice. An apprentice has ever been considered as having and maintaining a higher stand or grade in society, than him who is commonly denominated a "servant." This distinction too, will appear to have been taken and to have existed in the mind of our legislative body as often as its atten-



tion has been turned to servants and apprentices, and it has thought proper to legislate upon the subject. A reference to these acts will furnish the most abundant proof that whenever the legislature intended to pass or make any provision which was intended to embrace apprentices, that they have uniformly named them *specifically*: and no instance, I think, can be found, in any act of Assembly, where the two terms are used as synonymous.

In the year 1700, (1 Smith's Laws, 10,) a little before the passage of the first act, involved in this case, an act entitled "an act for the better regulation of servants in this province and territory," was passed. The term servants, without any epithet of *qualification* or *restriction*, is used in this act, throughout, yet, it has never been supposed that apprentices were embraced within its provisions; certainly in practice they have not. The 3d section gives freedom dues, such as are therein specified, to those servants who shall have served faithfully for four or more years. Among the articles specified as freedom dues, are one *new axe*, one *grubbing hoe* and one *weeding hoe*; things that would be of little or no use whatever in almost every trade, art, or mystery that is learned in the character of an apprentice. The 4th section imposes a penalty of 5 days' service upon any "servant" who shall absent himself from his master's service without his consent for every day that the servant shall so absent himself, and such further satisfaction as to the county court shall seem meet—who are also to order the additional time to be served. Sons of the most respectable citizens in this State, as well during the time it was a province as since, have been bound out, to learn some art, mystery, trade, or occupation, such as that of husbandman, merchant, or some of the mechanic arts. Indeed, it is as likely as not that some of the sons of these very legislators themselves, who made some of these laws, were bound out as apprentices: and can it be imagined that they intended such regulations for apprentices? Most certain is it, that in practice they have never been so applied—which is at least strong if not conclusive evidence of the original design of these acts. By a supplement to this act, passed as late as the 9th of March, 1771, (1 Smith's Laws, 321) a summary remedy is provided to enforce some of the provisions contained in the original, without the least alteration of phraseology, showing that apprentices or their masters were not intended to be embraced.

That the term "servants," as used in these acts, was not intended to embrace *apprentices*, will appear still more clearly, if possible, from acts passed providing for them *eo nomine*. For by reference to these acts, we shall find that apprentices have not escaped the attention of the legislature, but have been provided for, expressly *by name*, and that some of the provisions in respect to *apprentices* are substantially, if not *verbatim*, the same with some of those, which were in being at the time for *servants*, which would have been altogether unnecessary if they had been previously embraced under the term and idea of their being "servants." By an act passed March 27th, 1713, (1 Smith's Laws, 81,) Orphans' Courts were established, and by the 7th section of the act page 84, were authorized upon the application of the executors or administrators, of persons dying and leaving minor children, without regard to the value or amount of the estate which was left or descended to such children, or upon the application of the guardians or tutors of orphan minor children, "to order and direct the binding, or putting out of them, *apprentices* to trades, husbandry, or other employment as shall be thought fit;" subject, however, to some restrictions mentioned in the 12th section of the act, which go to prove, the great care and attention that the legislature had for *apprentices*, above *servants*. By this section they were not to be bound to persons whose religious persuasion was different from what the parents of such orphan, or minor possessed, at the time of their decease, or against the minor's own mind or inclination,

so far as she or he had discretion and capacity, to express or signify the same: or to persons who were not of good repute, so as others of good credit and of the same persuasion might or could be had. But very different was the law as to servants who, at this time, were liable to serve any body, and to be transferred from hand to hand, so that they were not disposed of to persons residing out of the state, without their consent, or any regard paid to the religious profession, or even moral character of the master. On the 4th of March, 1763, "an act for the regulation of *apprentices* within this province," was passed, which was afterwards on the 29th of September, 1770, repealed by an act of that date, entitled "an act for the regulation of apprentices within this province." (1 Smith's Laws, 309,) The preamble to this act recites that, "whereas great mischiefs and losses had been sustained by the masters and mistresses of apprentices within this province, for want of some law to regulate their conduct and behaviour, during their *apprenticeships*, (not servitudes) to prevent their *absenting themselves from their said masters or mistresses' service without leave*—to punish them for any disorderly, immoral behaviour, and to make the covenants between them mutually binding. The state of things referred to and recited in this preamble, must be considered as true, and if so, the act of 1700, for the better regulation of servants in this province and territory, could not be considered as embracing apprentices. If this last act does not, it is equally clear, that the acts of 1701, and 1729—30, already referred to on the subject of marrying servants, cannot be extended to apprentices. But among other things, it is stated in the preamble of this act, of the 29th of September, 1770, for the regulation of apprentices, that there was *no law to prevent their absenting themselves from their masters or mistresses' service without leave*. Now it is evident that this was not true, if the term "servants," as used in our acts of assembly, and used too without any qualifying or restrictive adjunct or phrase, be sufficient, and does include, *apprentices*. Because the very words of the 4th section of the act of 1700, (1 Smith's Laws, 10,) for the better regulation of servants in this province, are "and for prevention of servants quitting their master's service. Be it enacted, that if any servant shall absent himself from the service of his master or owner, for the space of one day, or more, without leave first obtained for the same, every such servant shall for each days' absence, be obliged to serve five days after the expiration of his or her time." &c. And in addition to this, a fee of ten shillings was allowed to any one who should take up or apprehend a runaway servant. Again, to establish what I before said, I refer to the 6th section of the act of 1700, for the regulation of apprentices, imposing a penalty on such as conceal, entertain, or harbour them, and by comparing these sections it will be seen, that the latter is substantially the same with the former, only that the term servants is used in the one, and the apprentice in the other, a thing altogether unnecessary, if the term servants had been understood to embrace and include apprentices in our legislative enactments. But while the legislature thought there was no difference between the person who should harbour and conceal a servant, and him, who should harbour and conceal an apprentice, having made the punishment the same; it is obvious that they have made a great distinction between the punishment to be inflicted upon an absconding servant, and that which is to be inflicted upon an absconding apprentice. In the case of the first, they have made him liable to serve five days for every one lost by his absenting himself without his master's leave, and to pay such damages, in further satisfaction to his master or mistress, as the court shall think proper to award. But in the case of the apprentice, the court can only imprison and confine to hard labour in case he should seem to be refractory, and unwilling to return to a faithful discharge of his duty. Also another very important distinction is made in favour of the apprentice, by this



act of the legislature for regulating apprentices, that has never been extended to servants. The court of quarter sessions of the proper county is thereby authorized to discharge an apprentice from his apprenticeship, and from all obligation contained in the indenture upon his part, if the court shall see, that the master or mistress has misused, abused, or evilly treated, or, shall not have performed his or her duty towards the apprentice. From a fair exposition of all these acts of Assembly on the subject, I feel satisfied that apprentices were not intended to be embraced under the term "servants," which is used in the acts of 1701, and 1729—30, as contended for by the plaintiff's counsel.

So far as we have any judicial lights upon this subject in this state, it appears to me, that they are rather against what the plaintiff's counsel contends for in this case. The commonwealth vs. Kepple, (1 Yates Repts 233,) determines a servant in Pennsylvania, to be a very different person from an apprentice, and denies all power to a guardian to bind out his ward as a servant, or to a parent to transfer a right to the service of his child, who is a minor, to pay the father's debt. Yet, for the purpose of making the ward, or the child an apprentice such authority does exist. In Tieber vs. Boos, (2 Yates 321,) the point which is made in this case was not decided. The court merely adjudged that the minor who was married by the defendant, not being either the servant or the apprentice, or the child of the plaintiff, he could not maintain the action. But the decision of the supreme court in this state in the case of Norris vs. Pilmore, (1 Yates 405,) establishes the right of the parent to recover the penalty of fifty pounds for marrying his minor son who was at the time, an apprentice to another person. Again, it has been decided in the case of Hill vs. Williams, (14 Sergt. and Rawle's Repts. 287,) that but one penalty can be recovered under this act. These two cases come pretty near, if not quite to deciding the present case in favor of the defendant. It is reasonable and certainly very expedient that the person who is entitled to demand and receive the penalty should be certain, and that the act should receive such a construction as to render it certain who he is. If then, it be the parent, according to the decision of Norris and Pilmore, and but one penalty can be recovered, for the marriage of the same person, the necessary conclusion is, that this suit was not maintainable. But to say that the master of an apprentice should recover the penalty, would be to decide that a justice of the peace, elergyman, or other person, may with impunity marry the minor child of a father, or a mother, without their consent if such minor be an apprentice at the time, and his master or mistress give consent.

I cannot persuade myself that the good sense and feeling of the legislature of the state, could have intended to substitute the consent of the master or mistress of a minor apprentice, for that of the parent in a matter which not only concerned the welfare and happiness of the minor himself, but the well-being and happiness of his parents, and which was to endure not merely during the apprenticeship, but throughout life.

So far as we have any judicial authority bearing upon the question in this case, I think it is in favor of the defendant: and I would further observe, that there does not seem to be any strong reasons for extending the provisions of these acts against clandestine marriages to apprentices, and giving to their masters a right to recover the penalties as the party aggrieved, because they always have it in their power to protect and secure themselves against loss or damage that may be sustained by their apprentices getting married, without their consent, in the contract creating the apprenticeship. They can always have the covenant of the apprentice and the parent, as an indemnity, if required; and when there is no parent, they can often in addition to the covenant of the apprentice himself, obtain that of the guardian, or some friend as a security against future

damage arising from such a cause. Indeed it does not appear often to be the occasion of actual injury or loss to the masters or mistresses of apprentices, or we should hear much more of it than we do.

The judgment of the court below is affirmed.—Judge Huston dissenting.

Peter A. Browne, Esquire, for plaintiff in error.

Henry Chester, and Charles Chauncey, Esquires, for defendant in error.

## THE REGISTER.

MARCH 3, 1832.

The long report to the House of Representatives, on Lotteries, is concluded this week—we have received a report of the committee of Vice and Immorality, to the Senate on the same subject, giving a different construction to the several acts—also some other documents in relation to the particular case—which will be inserted next week. The whole matter, which is of great moment—will then be before the public.

In our last number we published an article on the early settlement of Columbia; in which the subject of the Paxton affair is introduced. We have received from a correspondent the following note remarking upon that article. It is a somewhat singular coincidence—that the last "Columbia Spy" and we, were at the same time publishing an article on Columbia, the facts of both which are evidently derived from the same original source; but much more is detailed on many points in the "Spy;" and as it contains also, statistics of the present period, we shall insert it entire next week. It merely alludes to the Paxton massacre; promising to give a correct account hereafter. It is desirable that this should be done while facts and persons are accessible, and to remove unjust imputations, from the innocent.

LANCASTER, February 28, 1832.

Dear Sir,—In the Register of Pennsylvania, number eight, February twenty-fifth, is an article headed "First Settlement of Columbia," containing assertions unsupported by evidence. The writer says "a company of Presbyterians from Paxtung township, under the name of Paxton boys." Why attribute such a barbarous murder to a respectable body of Christians, when the Paxton boys consisted of persons of several denominations of Christians. The statement relative to the magistrates of Lancaster and Capt. Robinson, does not accord with records, (see the article headed Paxton boys, on page 255 of the 7th volume of the Register, republished from the Lancaster Journal.) As to the "Episcopalian minister in Lancaster," the church had no resident minister at that period in Lancaster; I ask, therefore, for the evidence—produce the letter, the bare assertion in this case can have no weight. Fortunately there are persons living in Lancaster at this time who have a full knowledge of the facts, and who can prove the incorrectness of the writer's statement, if necessary.

Yours,  
VINDICATOR.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. IX.—NO. 10. PHILADELPHIA, MARCH 10, 1832. NO. 219.

From the Columbia Spy.

We are indebted for the information contained below to a highly respectable lady of the Society of Friends, whose opportunities for gathering facts relative to the early history of the place, have been numerous.

## COLUMBIA—EARLY HISTORY OF, &c.

About the year 1726 or 7, Robert Barber of Chester, came to the eastern banks of the Susquehanna and took up 1000 acres of land, bounded on the north-west by the Chicques hills, and to the south-west by what was afterwards called Patton's hill. About 500 acres of this land is embraced in what is now Columbia. At that time, the noble river, pursuing its undisturbed course in solitude, or ruffled only by the light canoe of the Indian—the shore covered with lofty trees—must have presented a grand and imposing sight. The land was purchased of Jeremiah Langhorne, the agent of the proprietors.

After the purchase, Mr. Barber returned to Chester, and in 1728, he, with Samuel Blunston and John Wright, together with their families, left their homes in that place, and came to settle on the land which had been taken up the year before. These persons were members of the Society of Friends. This journey was thought a very great undertaking; the country was uninhabited except by the Indians, who had their cabins in many places.

Samuel Blunston, was the most wealthy of the three; he took 500 acres of the land next to the upper hills, and built where S. B. Heise now lives. The old house was pulled down some years since, to make room for the building which is now standing; the brick part of the building was afterwards built by him. His wife was a widow of the name of Bilton; her first husband kept a ferry over the Schuylkill. S. Blunston had no children; his estate went to two nieces, and is now held by the Bithels, their descendants.

John Wright took 250 acres of the land, and built his house where E. Wright and sisters now live; the house has been much repaired and altered, but a part of it remains as originally constructed. He came from Manchester in England, among the early settlers of the province—was a preacher of the Society of Friends, and for many years judge of the court. His speech to the grand jury may be seen in Proud's History of Pennsylvania: he kept a store in Chester. He had two sons and three daughters. John, the eldest, kept the ferry on the west side of the Susquehanna, and built the ferry-house there. Susanna, the eldest of the daughters, did not leave England till some time after her father. She was a person of great note in this place; her education was superior to most of her day; she was consulted in all difficult matters—did all the writings necessary in the place—was charitable to the poor, and gave medicine gratis to all the neighborhood.\* Samuel Blunston left all his estate to her during her life, and at his death she and all the family removed to his house. She lived to a great age; and died as she had lived, in the principles of

\* She defended the cause of the Indians who were murdered by the Paxton Boys, and wrote in answer to an Episcopalian clergyman of Lancaster, who took the opposite side.

Friends. Patience, another daughter of John Wright, was married to Richard Lowden—the present John L. Wright is their descendant by his mother. Elizabeth, daughter of John Wright, married Samuel Taylor, who was the owner of a large tract of land near where Strasburg now stands; he sold his property there, and once owned what is now called Wrightsville. The Wrights in this place at the present time are the descendants of James Wright, youngest son of John.

Robert Barber kept the 250 acres next the lower hills; he came from Yorkshire in England. He had followed the sea for some years, and had been a prisoner in France. He married Hannah Tidmarsh, in Chester or Philadelphia; she also came from England. Her father came to America sometime before the rest of the family, and was accidentally shot by an Indian before her arrival. R. Barber settled farther from the river than the others. He built the brick house now occupied by J. Hinkle. He was sheriff of the county, and in consequence of the intention to make this place the seat of justice, a prison was built near his house. It was a strong looking log building, and was pulled down not many years since. In this prison, James, afterwards Lord Altham, was confined, having run away from his master.\* R. Barber

\* He came to this country in 1728, when quite young, and served his time as James! Annesley, with a farmer, on the Lancaster road. From some cause he runaway from his master: he was caught and confined in the prison in this place. He was considered a great singer, and the neighbours frequently visited the prison-house, for the purpose of listening to him. The events of his life, furnished the ground work for Roderick Random, and the popular novel of Florence M'Cartey. The facts concerning this singular case are taken from the evidence given on the trial, and may be depended on as authentic.

Arthur Annesley (Lord Altham) married Mary Sheffield, natural daughter of the Earl of Buckingham. By her, in the year 1715, he had a son, James, the subject of this memoir. In the next year the parents had some differences, which terminated in a separation. The father contrary to the wish of the mother, took exclusive possession of his son James, and manifested much fondness for him, until the year 1722, when he formed some intimacy with Miss Gregory; and about the same time his wife died. Miss G. expecting now to become his wife, exerted herself greatly to alienate his affections from his son, by insinuating that he was not his proper child. She succeeded to get him placed from home, at a school in Dublin. In November, 1727, Lord Altham died; and his brother Richard, wishing to possess the estate and title, took measures to get rid of his nephew, James, by having him enticed on board an American vessel, which sailed from Dublin in April, 1728. He was landed at Philadelphia, then in his thirteenth year, and sold as a redemptioner! and actually served out 12 years in rough labour, until a seeming accident, in the year 1740, brought him to such acquaintance, as led, in the next year to his return home. The case was this: Two Irishmen, John and William Broders, travelling the Lancaster road, in the year 1740, stopt at the house near the 40 mile stone, where James was in service with an old German. These countrymen entering



had several children; the eldest son, John, was killed by the Indians, near where Pittsburg now stands; he had gone thither to trade in fur, or what was then called trapping. His other sons settled on the land, but it is now owned by the Stricklers, except about 60 acres, which was the share of the second son Robert. He married Sarah, daughter of Samuel Taylor, and had ten children; but at this time they are all gone except one son and two daughters; the daughters live on the place, in the house which their father built 67 years ago. The old house was a few steps below the present mansion. In these days pine boards were little used; the joists, window and door frames were of oak. What little pine there is in the building, was got out of logs picked up in the river, and sawed at a mill of Nathaniel Barber's, on what was called Barber's run, the same stream which Strickler's large mill is on. Samuel Barber, another brother, had a fulling-mill on this stream.

The land back from the river was mostly settled by the Germans—the Forrey's, Strickler's, Shirk's Garber's, &c. Their first purchases were from an old woman of the name of Mary Ditcher, who used to go through the country making what was then called improvements. These improvements consisted in piling a few sticks together, setting them on fire, and hanging a pot over; this was considered a first right; if they could then pay for the land they had the privilege of keeping it. This Mary Ditcher appears to have been a singular person. She used to wander through the woods in a sheep-skin dress, leading an old horse, her only property, with her knitting in her hand. The township in which Columbia is situated, was called Hempfield, from the great quantities of hemp which were raised in it. Manor township, below this, was so called from the circumstance that the land in it was reserved for the proprietor.

Some Irish families, of the name of Patton, settled on lands adjoining the lower part of Columbia. They gave the name to the hill, and to the current below the mouth of the run, which is well known by the name of Patton's current. Tradition says, that there was a great slaughter of the Indians at that place in the early settlement of the country, by a party of whites, led on by a person of the name of Bell. Our informant remembers seeing many places there, said to be the graves of the Indians who were killed in the battle; it was believed that a piece of cannon lay sunk in the current. To their last days, the Indians in this vicinity had a great dread of the name of Bell.

Below this, the settlers were principally Germans—the Stehman's, Kauffman's, Rupley's, Herr's, &c. were among the first. The township above, called Donegal, was settled by the Irish—the Anderson's, Cook's,

Tate's, Kays's, &c. Anderson's ferry, is well known where Marietta now stands.

Sixty years ago, where the gravel appears in low water, opposite the Miss Barber's, there was an island with large trees. Large buttonwood and other trees grew at the water's edge; many of them were torn away by the ice. The largest trees have been seen to go down with the weight and force of the ice, seemingly as easy as a child would have broken a twig. The lower falls, as they were called, was a great place for hunting wild fowls—geese and ducks were in abundance, and sometimes swans. The first shad caught here with a seine was somewhere between 1760 and 65, at the east end of the river, just below the old ferry course. At the lower falls a sturgeon was once caught in a fish basket.

The ferry across the Susquehanna at this place, appears to have been early set up. At first it was necessarily very imperfect. Two large canoes lashed together were used to take over a wagon, which first had to be unloaded. In 1750, it rented for £100 per annum, with the ground allotted to it. The ferry course was a little below the bridge; there was a tolerable road from the old ferry-house to the landing—above that it was wild and unfrequented—the “point rock” first, and then the well known “Chicques rock” rising in solitary grandeur. There was scarcely a foot path between the rock and the river, and a hunter or fisher might be seen climbing his way along the side of the hill. Strangers used to visit this rock as a great natural curiosity, but they generally went over the hill as the path at the shore was nearly impassable. Pine and spruce bushes grew in the crevices of the rock and on the hill. It was a great place for fox hunting.

The old ferry-house now occupied by Peter Epley, in Locust street, was built in the early settlement of the place; the large room at the upper end was built long after the other part of the house, by J. Lowden, who kept the ferry for many years. There was a stone kitchen at the lower end, which was pulled away a few years ago, to make room for the brick buildings now there. The barn was across the road, where Halde-man's store is. It was burnt by lightning the last day of 8th month, 1769 or 70.

Sixty years ago the idea of a bridge across the Susquehanna, was laughed at.

The main road up the river went by the door of the Miss Barber's, over the breast of the dam, and into what is now called Second street, continuing over the Chicques hills.

Where the row of houses now stands on Water street, below the turnpike, was what was called the bank, where the young people used to congregate for play. On it was a thicket of bushes, wild plum and mulberry trees, grape vines, strawberries and wild flowers. The school house was where E. Wright and sisters now live. In those days there was no regular school. Strangers were employed without any recommendation, and retained or not, according to their behaviour.

The main road to Lancaster was to the south of where the turnpike now is. The first-mile stone was about 40 yards north of Friends's meeting-house. The mark was 76 miles to Philadelphia; 10 to Lancaster. Up the Shawnee run, as far back as Wm. Todd's tan-yard, was a thicket of trees, wild fruit and flowers. The well known ground-hog spring, coming out of the bank at the south side of the run, was a beautiful shady and sequestered spot, where the children used to have their little parties. It took its name from its being said that the whole in the bank was made by a ground-hog.

The stone house now occupied by John L. Wright, was built sometime between 1740 and 50; also, the little stone mill on Shawnee run. They were built by James Wright, father of the present James and Wm. Wright. There was flour made at this mill for the use of Braddock's army: it was packed in small casks made for the purpose, and carried on pack-horses. It was taken to what was then called Raystown. There

into conversation, perceived they were severally from Dumaine, in the county of Wexford, and that James Annesley was the son of Arthur. The two Broders volunteered to go back to Ireland, and to testify to the discovery they had made, and actually kept their word at the trial which afterwards occurred. James subsequently stated his case to Robert Ellis, Esq. of Philadelphia, who, compassionating his case, procured a passage for him to Admiral Vernon, then in the West Indies, by whom he was afterwards landed in England. But shortly after his arrival at London, James unfortunately killed a man, for which he had to stand a trial; and then Lord Altham, the unnatural uncle, exerted himself to have him convicted, but he was nevertheless acquitted as innocent. An action was brought against the uncle, and went to trial in November, 1743, and the verdict was given in favor of James, our redeemer. The uncle appealed to the House of Lords; and while the case was pending James died, leaving the uncle in quiet possession of his ill-gotten estate, showing, however, while he lived, which was not long, the spectacle a finished villain, even in an Irish nobleman.



were a few small buildings scattered through the neighborhood, built mostly by persons who had served a time with the first settlers, as a compensation to them for paying their passage over to this country, they being themselves unable to pay. Many of them had come from Germany. One of the first of this kind of buildings now stands in the upper end of the town, and is occupied by Peter Mays. Adjoining this building, at the end towards the river, stood the first place for public worship in the town. It was a small squared log building; the logs are now in an out-building of Wm. Wright. Robert Barber, now in his 82d year, remembers attending meeting there. Catharine Peyton and Mary Pearly, public Friends from Ireland, held meetings there; they travelled the country on horseback. Before this building was erected, the meetings were held in private houses. At length, on account of the discipline not being properly attended to, it was altogether put down by the monthly meeting of Sadsbury. Some years since, however, they requested and obtained permission to hold meetings here again; they then built the present brick meeting house.

There used to be a small shop on the corner where Dr. Houston's house now stands; and on the opposite north corner there was a house, sometimes occupied by a tenant or tradesman.

There were cherry-trees on each side of the lane from S. B. Heise's to below E. Wright and sisters, and down to the ferry-house. Cherries were very scarce in the neighborhood, and being in a great variety here, the people came from all quarters for them. As they were ripe about harvest, when all were busy, first-day was fixed upon to come for them. It got the name of cherry fair—hucksters came from Lancaster with their baskets, and hundreds of people were collected at the old ferry-house, the only public house then in town. These fairs were continued many years—until their impropriety became so glaring that they were abolished.

About half a mile from Columbia, on the road leading to the Chicques, among the hills, was the place called Smoke-town. Many now living may remember it. A little stream wound along amongst the hills; three or four little cabins were built near together, and a few spots of level ground were sometimes cultivated by the inhabitants. It was the rendezvous for strolling beggars and such kind of people: many a midnight brawl has been witnessed here. All vestiges of this settlement are now gone, and the land belongs to the Hogendoblers.

In olden times, the place being more thinly settled than it is now, the people seemed more affectionate to each other. When a death occurred in the neighborhood, it cast a gloom over all the inhabitants, even if it was from among the lowest class, and some of every family attended the funeral. The neighbors for many miles round were known to each other; if a stranger was seen in the place, great curiosity arose to know who he was and from whence he came. The first proprietors being all related or connected with each other, the greatest harmony and friendship existed between them. In those days tea was looked upon as too effeminate for men. There were no stores nearer than Lancaster, and luxuries which all partake of now, were little known then. There was great difficulty in getting shoes, especially for children.

The defeat of Braddock's army, in 1755, produced great excitement here. All the females and children of the place, to the number of about 30, went to Philadelphia and spent the winter. They occupied the house on Chesnut street, which stood on a part of the ground where the Arcade now is. The men who remained, fortified the store-house of J. L. Wright.

In the year 1757 or 8, there was no physician in the place, and there being a number of children who had never had the small pox, Dr. Moore of Philadelphia, a friend of Susannah Wright, was engaged to come and inoculate them. One or two of the children, on whom

the inoculation did not take, died. It was the opinion then, that it would not do to inoculate the second time, as there would be danger of taking the small pox the natural way, and thus the person would have a double portion.

The massacre of the Indians by the Paxton Boys, in 1764, we pass over at this time. In a future number we may endeavour to give a correct statement of the affair. It caused great sensation among the inhabitants of this place.

When the revolutionary war broke out there was a great excitement in all ranks of society; the peaceable and quiet state of the place seemed entirely changed—all was military. There were meetings in every corner, preparing for war—some exercising with old brooms or sticks, there being few arms amongst them.

Columbia, at the present time, contains about 2100 inhabitants, including upwards of 400 of coloured population. The borough was incorporated in 1814. The boundaries of the borough embrace a tract nearly a mile square. The public buildings are—

Town Hall, built in the year 1828—of brick, two stories high, in which is a town clock.

Market-house, in the rear of Town Hall.

Friends' Meeting-house.

Roman Catholic Chapel.

Presbyterian Church.

Methodist Episcopal Church.

German Church.

Besides the above there are two houses for public worship for the coloured people.

The institutions of a public character are—

Post Office.

Bank, with a capital of \$395,000.

Library.

Beneficial Association.

6 Day Schools, of various grades.

2 Fire Companies.

2 Volunteer Companies.

1 Weekly Newspaper.

Among the occupations and establishments in the borough, are the following—

- |                          |                                 |
|--------------------------|---------------------------------|
| 1 Presiding Judge,       | 5 Dry Goods and Grocery Stores, |
| 4 Justices of the peace, | 2 Provision Stores,             |
| 6 Teachers,              | 2 Hardware and Ironmongeries,   |
| 5 Physicians,            | 2 Tobacconists,                 |
| 4 Druggists,             | 2 Jewellers and Watchmakers,    |
| 1 Confectioner,          | 2 Tanners,                      |
| 1 Brewery,               | 7 Boot and Shoe Factories,      |
| 3 Bakers,                | 3 Hat Factories,                |
| 3 Butchers,              | 1 Wagon-maker,                  |
| 16 Taverns,              | 1 Coach-maker,                  |
| 5 Tailors,               | 2 Saddlers,                     |
| 4 Carpenters,            | 1 Marble Manufactory,           |
| 1 Grist-mill,            | 3 Painters and Glaziers,        |
| 3 Lock-smiths,           | 2 Tallow-chandlers,             |
| 4 Black-smiths,          | 1 Weaver,                       |
| 1 Gun-smith,             | 2 Plasterers,                   |
| 2 Curriers,              | 1 Mason and Bricklayer,         |
| 1 Tannery,               | 9 Lumber yards,                 |
| 1 Pump-maker,            | 5 Coal yards.                   |
| 3 Cabinet-makers,        |                                 |
| 2 Chair-makers,          |                                 |
| 5 Coopers,               |                                 |
| 1 Printer,               |                                 |

Besides, there are 7 or 8 ware-houses on the banks of the river, for the reception of country produce.

Excellent spring water is introduced through all the principal streets, by iron pipes, from a reservoir situated at the head of the town: this reservoir is supplied through pipes from two springs about a mile distant.

Within the borough are mineral springs which possess considerable medicinal properties.



A daily line of Mail Stages passes through this borough, between Philadelphia and Baltimore; and a daily line of Mail Stages runs between this place and Harrisburg.

The rail-road between Philadelphia and this borough is rapidly progressing to a state of completion, and the canal which is to connect us with the northern and western parts of the state, will soon be in successful operation.

### BANK OF THE UNITED STATES.

*Report of Committee of Ways and Means, on the Renewal of the Charter of the U. S. Bank.*

#### VIEWS OF THE MAJORITY.

Mr. M'Duffie, from the committee of Ways and Means, to which the subject had been referred, made the following report:

The Committee of Ways and Means, in obedience to the orders of the House, have had under consideration the memorial of the President, Directors and Company of the Bank of the United States, and also sundry memorials from other sources, relative to the renewal of the charter of the said Bank, and herewith report a bill for the renewal of the said charter, with certain modifications.

The committee will not now go into the consideration of the constitutional power of Congress to incorporate the Bank of the United States, nor of the expediency of maintaining such an institution, with a view to preserve a sound and uniform currency, and to facilitate and equalize the fiscal operations of the Government. For the exposition of their views on these interesting and important questions, and of the great public benefits which have resulted from the operations of the bank, in regulating and reducing the rates of the commercial exchanges of the country, they ask leave to refer to the report made by the Committee of Ways and Means, on the 13th day of April, 1830, which they adopt as a part of this report.

The several memorials, presented by sundry citizens of the United States, praying Congress to grant them and their associates a charter for a new bank, with privileges similar to those now enjoyed by the Bank of the United States, have been duly considered by the committee. They can perceive no adequate motive, however, for creating a new bank, instead of continuing the present; but, on the contrary, very strong objections against adopting such a course. The only inducements which can justify Congress in establishing any bank, are exclusively of a public nature. The interest of the stockholders, though necessarily involved as an incident, is quite a subordinate consideration. The maintenance of a uniform currency, and the facilities afforded for collecting, transferring, and disbursing the public revenue, are the great and paramount objects to be accomplished by such an institution, and to sacrifice these to the imaginary claims of persons who may desire to speculate in the stock of a new institution, would be perverting a high public trust to mere individual purposes.

With the intimate knowledge of the pecuniary wants and resources of the several portions of the Union, which it must have acquired by the experience of sixteen years, the present institution is doubtless better qualified than any new corporation could be, to fulfil the great public ends of such an establishment. In the unquestionable ability with which its affairs have been administered for the last ten years, and in the fidelity with which it has discharged all its duties to the Government and to the country, we have an assurance of future usefulness, which the applicants for a new bank certainly could not furnish. On the contrary, some of the new schemes brought forward in the memorials referred to the committee, are so utterly extravagant as to furnish just cause of alarm to all reflecting men.

The present bank, though it has dealt largely in public securities, and, for several years past, held large amounts of Government stock, has, notwithstanding, found it difficult to find employment for a capital of thirty-five millions, in the safe and legitimate business of banking; yet we have applications to incorporate a banking company with a capital of fifty millions. The present bank has not realized more than five per cent. on its comparatively small capital; yet some of the projectors of new banking schemes propose to give a bonus of one million of dollars a year to the General and State Governments, for the privilege of banking on a capital of fifty millions; and expositions have been presented to the public, holding out the idea that such a bank might keep in circulation one hundred millions of its paper, and grant loans to the enormous extent of two hundred millions! In the opinion of the committee, such projects as these can only proceed from a spirit of bold and hazardous speculation, and from those who are entirely unacquainted with the practical operations of banking, and nothing in the shape of pecuniary bonus could justify Congress in making the dangerous experiment of committing to such hands the great duties of maintaining a sound currency, and of keeping in safety, and transferring without delay or expense, the revenues of this extensive confederacy.

An opinion has been sometimes expressed, as plausible perhaps as it is delusive, that all the people of the United States are entitled to the option of subscribing for the stock in a Bank of the United States, and that, consequently it would be an unjust preference to renew the charter of the present company. If a new bank were created, it is almost certain that the stock would go into fewer and less meritorious hands than that of the present bank, and the rest of the people of the United States would have still greater cause to complain of their exclusion, if, when that institution acquired the public confidence, its stock should be considerably above par. Men of accumulated capital, not engaged in business, and stockjobbers are invariably the first subscribers for the stock of a new bank: and it is impossible to conceive any substantial reason why the present stockholders, who have done so much for the country, should be superseded, at the hazard of great public detriment, merely to gratify the speculative views of a still smaller number of persons, principally large monied capitalists and dealers in public stocks. It should be recollected, too, that a considerable portion of those who hold stock in the present bank, are widows and orphans, who probably paid very nearly the present market price for the stock; and it is certain that, in the scramble for new subscriptions, most of those would be excluded by the classes of persons to which the committee have just alluded. For a more full explanation of their views on this point, they will refer the House to the report, already noticed, of a former committee of Ways and Means.

It remains for the committee to give a brief explanation of the modifications they have proposed of the existing charter. The reservation of the power of revoking it, at any time after ten years, upon giving three years notice of such intention, will create a responsibility in the bank, which may be extremely salutary, without creating too great a dependence upon Congress. The change proposed in the form of the bonus, is in some degree connected with this change in the tenure of the charter, and is recommended by other considerations. An annual sum, paid in the shape of interest on the Government deposits, will have the recommendation of making the amount of the bonus depend upon the extent of the benefit which the bank may derive from the public revenues, at the same time that it renders the Government an important service by the safe custody of these revenues. The authority given to the President of the United States to appoint one of the directors of each of the branches, rests upon the same principle with the existing authority to appoint a



portion of the directors of the mother bank. It may be a matter of great convenience and utility for the Government to have a sentinel to give notice of any irregularities or abuses that may creep into the direction of the several branches. The prohibition against issuing drafts or checks for twenty dollars, or any smaller sum, will exclude from common circulation a description of paper, of which considerable complaint has been made in some quarters of the Union. This, however, has rendered it indispensably necessary to authorize other officers, as well as the President and Cashier, to sign and countersign bills for circulation. If this provision be not made, the whole time of the President and Cashier would be taken up in signing bills, to the entire exclusion of the more important functions of administration and superintendence; and yet, these officers would not have the physical ability to execute the necessary signatures. The expediency of prohibiting the issue of any notes at branches where they are not payable, is too obvious to require comment. It is essential to protect the State banks against ruinous drafts for specie on the part of the Bank of the United States.

These provisions, in addition to those which are contained in the original charter, afford all the safeguards which can be reasonably required for the public security. The monthly statements which are made of the debts due by the bank, of the moneys deposited therein, of the notes in circulation, and the specie in hand; the right of the Secretary of the Treasury to inspect the books of the bank, and to withdraw the public deposits, subject to the approbation of Congress; the right of "a committee of either House of Congress to inspect the books and examine the proceedings of the bank;" its obligation to pay specie for its notes on demand, under a heavy penalty, and the provision "that the total amount of the debts which the said corporation shall at any time owe, over and above the debts due for money deposited, shall not exceed the amount of its capital;"—all these safeguards against imprudent and excessive issues, with the constant supervision of the Government directors, furnish ample guarantees for the faithful performance of its duties to the public, and undoubted securities to the holders of its notes, not only that they will be ultimately, but promptly paid.

### REPORT UPON LOTTERIES.

*Report of the Committee of Vice and Immorality of the Senate of Pennsylvania, to whom were referred the message of the Governor and sundry memorials relating to the abolition of Lotteries.—Read in Senate, February 21, 1832, by Mr. Fullerton, Chairman.*

The committee on vice and immorality, to whom was referred so much of the Governor's message as relates to lotteries, and the memorials on the same subject, respectfully report:

That they have bestowed on the subject that care and time which its importance required. They are sensibly impressed with the conviction, that lotteries are a great public evil, and that they ought to be abolished so soon as it may be effected consistently with a just regard to the rights of individuals, and the faith of the commonwealth. However anxious they may feel to promote the morals of the community, and to put an end to all gaming under the sanction of law, they do not deem themselves authorised to recommend, even for the attainment of these objects, a course which may fairly subject to question the justice of the state. On the uniform maintenance of an open and liberal policy towards all who may enter into engagements, or invest their capital on the faith of its promises or pledges, its credit mainly depends. A credit at this time as unlimited, as its integrity is unquestioned. With these impressions, your committee have cautiously endeavoured to dismiss from their minds, all prejudice, and to disregard the appeals of passion. They have studied to confine themselves to facts, and to a fair construction of

the laws; abstaining from an indulgence in imaginary estimates, or in reasoning founded altogether on gratuitous premises. They attended during the examination recently made before them and the committee of the House of Representatives, on which occasion counsel were heard in support of the memorials of those praying for the entire abolition of lotteries, and also in behalf of the Union Canal Company of Pennsylvania, and of Mr. Archibald M'Intyre, of the state of New York, of the house of Yates & M'Intyre.

The first question which presented itself for consideration was, whether the act of Assembly, passed the 2d of April, 1811, entitled "An act to incorporate the Union Canal company of Pennsylvania," and the act passed the 26th March, 1821, entitled "An act for the improvement of the state," gave to the Union Canal company separate and distinct grants of privileges to raise money by way of lottery; or whether the latter act only conferred a certain privilege, to be used in a certain contingency, after the expiration of the former grant.

Your committee are of opinion, that in the acts of 2d April, 1811, and of the 26th March, 1821, two distinct grants of lottery privileges were made to the Union Canal company of Pennsylvania. This construction was adopted shortly after the passage of the act of 1821. It has been acted on ever since: and on the faith of this construction and the sanction given to it, not only by a uniform acquiescence during upwards of twenty years, but also in several reports made to the legislature, large sums of money have been invested by citizens of this state, and by citizens of other states, in the stock and loans of the company. The stock of few companies is more widely disseminated: and in not a few instances, it is the only property on which women and children rely for their annual income and support. Depending on the tacit approbation, if not the express consent of the legislature, they have been induced to select this as a safe investment of that fund, on which they were entirely dependent.

This construction in the opinion of your committee, is also the only one which is consistent with a due regard for the integrity of this commonwealth. For the purpose of showing distinctly the operation of the laws on this subject, your committee propose briefly to advert to the same, and the circumstances under which they were enacted. The preambles to different acts passed on this subject, set forth that this canal is a great public work, which "will greatly tend to strengthen the bonds of union between citizens inhabiting distant parts of a country governed by the same free and happy constitution and laws, to the encouragement of agriculture and manufactures, and the promotion of commerce." Thus impressed, the legislature invited individuals to embark their capital in this enterprise, then considered one of great hazard. And also to encourage and stimulate them, not only countenanced the undertaking, but in various ways held out inducements, among which the grant of lottery privileges was not the least effectual. At this time, the purpose of the commonwealth was not so much to limit the extent of gaming, as to encourage the investment of money in a work of great public importance.

Having premised thus much, your committee will proceed to notice the laws themselves.

On the 29th of September, 1791, an act was passed incorporating "the president, managers and company of the Schuylkill and Susquehanna Navigation;" and on the 10th day of April, 1792, an act was passed incorporating "the president, managers and company of the Delaware and Schuylkill Canal Navigation." On the 17th of April, 1795, an act was passed, reciting, that "whereas the companies incorporated for opening a canal and lock navigation between the rivers Schuylkill and Susquehanna, have, from the novelty of such extensive and arduous undertakings in a young country, experienced numerous difficulties, beyond what were



ever contemplated by the legislature at the time of passing the acts of incorporation, or by the subscribers to the said works at the time of subscribing thereto: And whereas large sums of money have already been expended on the said works, and there is every reasonable expectation, that a canal navigation, connecting the Eastern and Western waters of Pennsylvania, may be effectually completed, IF EFFICIENT FUNDS CAN BE PROVIDED for the same, to the great advantage and increase of the agriculture, trade and manufactures of the state at large"—by which act the said companies were authorised to raise by way of lottery, the sum of \$400,000 in the respective amounts therein set forth, "to be applied to carrying on" their works. By this it will appear, that the intention of the legislature at that time, was to provide efficient sums, to be applied to works of general importance, and that a specific grant was made to these companies for this purpose.

By an act passed the 2d April, 1811, entitled "An act to incorporate the Union Canal company of Pennsylvania," these two companies were united: and by the 28th section of that act, the company thus created was authorised to raise "by way of lottery the residue of the original sum, not exceeding \$340,000, authorised to be raised" by the former companies for the purposes aforesaid. In this act the profits from the lotteries are styled a property and a bounty to enable the company to make the tolls as low as possible. By the 26th section of this act, the company are authorised "to raise by way of loan from any individuals, bodies politic or corporate, on such terms and conditions as they may think fit, such sums of money as they may from time to time find expedient, for the completion of the objects aforesaid, upon the credit of the capital stock and incorporation, including the nett proceeds and avails of the lotteries hereby authorised, and the tolls and profits of the same, and for the fulfilment of the terms and conditions of any such loan, to mortgage any part or the whole of their property, tolls, profits or estates whatsoever." This authority is nowhere repealed or controlled—and your committee have not discovered in subsequent laws, any thing inconsistent with its exercise. It has been exercised, and one million four hundred and thirty thousand four hundred dollars have been borrowed—and among other property the lottery privilege has been expressly mortgaged and pledged to the lenders of the said money, "for the payment of the interest and extinguishment of the principal" of the debt. *Without this money the canal could not have been made.*

By an act passed the 29th of March, 1819, an additional subscription of stock was authorised, which however never took effect, and by the third section of that act it was provided, "that the avails and nett proceeds of the lottery granted by the twenty-eighth section of the act to which this is a supplement, shall be and hereby are pledged as a fund for the payment of an annual interest of six per cent. upon all sums subscribed to the stock, in the first section of this act mentioned, reckoning from the day of the payment of each instalment. And whereas it is just and right to put upon the same footing the holders of the shares which were not forfeited in the late Delaware and Schuylkill, and Schuylkill and Susquehanna canal companies, it is hereby declared to be the intent of this act, that the holders of all such shares, as soon as twenty-five hundred shares shall have been subscribed, according to the provision of the first section of this act, shall be entitled to an annual interest, reckoning from the time of such subscription, in the proportion of the payment made on subscribing by the new subscribers, and of the payment of their respective instalments as may be called for by the board of managers."

By the act for the improvement of the state in 1821, it is provided "that whenever according to the provisions of the act supplementary to an act entitled "An act to incorporate the Union Canal company of Pennsylvania," passed the twenty-ninth day of March, eigh-

teen hundred and nineteen, two thousand two hundred and fifty shares shall have been subscribed to the capital stock of the Union Canal company of Pennsylvania, the Governor of this commonwealth be and he is hereby authorised and required to subscribe in behalf thereof two hundred and fifty shares of the stock of said company, to be paid by the State Treasurer on warrants drawn by the Governor, in the proportion of the payment made on subscribing, by the new subscribers, and of the payment of their respective instalments, as may be called for by the board of managers. And if the proceeds of the lottery granted to the Union Canal company, together with the tolls which may be collected, shall not hereafter, from year to year, for the period of twenty-five years, yield a sum equal to an annual interest of six per cent. upon all sums not exceeding in amount four hundred and fifty thousand dollars, which may be subscribed by new subscribers as aforesaid, and paid according to law, to the capital stock of the said company, the Governor shall from year to year, for the term of twenty-five years, whenever it shall appear to his satisfaction that such disability exists, draw his warrant on the State Treasurer in favor of the said board of managers for the amount of such deficiency, which money shall be applied to the payment of an annual interest of six per cent. to such new subscribers, and the faith of the commonwealth is hereby pledged for the term of twenty-five years, for the full and punctual payment of said interest: *Provided*, That the subscriptions shall be paid in such instalments as shall be called for by the managers of the said company, and each subscriber shall be entitled to interest only from the time of the actual payment of each instalment respectively. And in order to avoid as far as possible, all disability to pay such interest, so much of the third section of the act aforesaid as pledges any portion of the avails or nett proceeds of the lottery aforesaid, to the payment of an annual interest to the holders of shares not forfeited in the late Delaware and Schuylkill, and Schuylkill and Susquehanna canal companies, be and the same is hereby suspended, until the canal shall be completed; and the president and managers of said company shall be and they are hereby authorised to continue, during the said term of twenty-five years, to raise by way of lottery, any sum that may be wanted for the purpose of paying to the holders of said stock, the six per cent. as aforesaid: *Provided*, That whenever the nett proceeds of the tolls shall amount to the said six per cent., the privilege hereby granted of raising money by lottery shall, during such time, be suspended, *except so far as is authorised by existing laws*, and it shall in no event be lawful to divide any sum arising from said lottery over and above six per cent. upon the stock of said company, it being the intent and meaning of this act that all such excess shall be reserved to meet any deficiency thereof that may at any time occur in the tolls as aforesaid, and if any payment of interest shall be made on the part of this commonwealth which may amount to a share or shares, in all such cases certificates of stock to the amount of such payments shall be delivered by the president or treasurer of said company to the State Treasurer, which shall vest in the commonwealth all the rights and emoluments appertaining to a share or shares, as if held by individual stockholders. And if the water communication between the Susquehanna and the Schuylkill, by means of said canal, shall not be completed in such manner as to admit boats of at least twenty tons burden, to pass, and re-pass, within ten years after interest shall first accrue by the provisions of this section, then and in such case the guarantee of interest hereby given shall cease."

By this act the pledge given to the old stockholders is not taken away. It is, on the contrary, expressly recognized, but the enjoyment of it is suspended till the completion of the canal. A construction which denies that this law confers any new and independent grant of lottery privileges cannot be adopted without the incon-



sistency of recognizing the pledge of a specific fund to certain persons, and in the same law making another appropriation of that fund, which will in all probability exhaust it before the expiration of the suspension it creates. It also, by a strained implication, is made to interfere with the power of borrowing money, and pledging this fund to the lenders. But such, in the opinion of your committee, was not the intention of the legislature. A new lottery privilege is given by that act, to be suspended "whenever the nett proceeds of the tolls shall amount to the said six per cent. By nett proceeds can only be intended proceeds deducting all charges against the same, among which nothing can more properly be included than interest on the debts incurred in making the canal itself. In addition to these arguments, the law contains words which are entirely inconsistent with the interpretation which denies that there are two grants. The law provides, "that the privilege hereby granted of raising money by lottery, shall, during such time be suspended, *except so far as is authorised by existing laws.*" If the grant made by the act of the second April were intended to be first used, and applied to the payment of interest on the new stock till it was exhausted, the new grant given by the act of 1821 could not come into active operation during the continuation of any privilege "*authorised by existing laws.*" And consequently when its suspension should take effect, there would be no grant "authorised by existing laws." Your committee do not feel at liberty to discard this important reservation of a right in favor of the company, and consequently cannot adopt a construction which would render these words inoperative.

The next important point to which the attention of your committee was directed, was the true meaning of the words "raise money by way of lottery." On the part of those who prayed for the entire abolition of lotteries, it was contended that they included not only the money actually paid to the company, but also the profits of their assignees, the managers of the lottery. Your committee will here remark, that no evidence was laid before them or called for on this last subject. It is true, much conjecture was hazarded, but it was only conjecture, and not calculated to lead to a safe or satisfactory conclusion. Your committee are of opinion that the sum raised by way of lottery is the amount received by the company, and that they are to be debited with the same, although an actual loss should be sustained by the contractor. The act of 1795 confers on the two companies a grant of a given sum with directions as to the manner in which it should be appropriated. The act of 1811 authorises the Union Canal company of Pennsylvania "to raise by way of lottery the residue of the original sum not exceeding \$340,000," and neither expressly or impliedly diminishes or impairs the privileges previously given. It authorises the company, either to appoint managers to draw the lottery, or to sell the privilege. And in the same section, immediately after the authority to sell, provides that "the profits arising from said lotteries shall not form a capital stock of said company," upon which any dividend shall be made to the stockholders, but the same shall be considered as a bounty to said corporation to enable them "to make the tolls as low as possible." The only profit which can be here alluded to, must be the profit on the sale of the privilege, and with that only were the company to be debited. Chief Justice Marshall well remarks, "that no man will purchase a lottery from which he can make nothing." In the twenty-sixth section of the same law, authority is given to the company "to raise by way of loan," &c. In this case surely, the money raised by way of loan, was intended to be the sum received. And it is difficult to understand why a different signification should be given to the words "raise money by way of lottery." The construction put on these words, whatever doubt may have existed originally, seems to determine the question. From the passage of the act of 2d April, 1811, down to this time, the company have debited themselves only

with the amount actually received by them. This has been generally known. And on the 3d of February 1819, at the call of the legislature, the company made to them a detailed report of their accounts, showing their different contracts, and the sum received from each lottery contractor; which statement was not only unquestioned, but is expressly referred to in the preamble to the 7th section of the act of the 29th March, 1819. Subsequent reports have been made by this company to the legislature, and investigations were had before the committees of ways and means in the years 1828, 1830, and 1831, all of which adopted and confirmed this construction. Your committee cannot deem it just or politic to shake a construction thus sustained, and to adopt another which would greatly impair the value of property acquired under such a conviction.

The next inquiry was as to the amount which has actually been raised by way of lottery. Your committee sought no information from Archibald M'Intyre, the purchaser of the lottery privilege, from the Union Canal company, because having adopted the foregoing construction of the law, it could in no wise assist their deliberations. And the question submitted to them being one of vast importance, not only to the company, to the loan holders and Mr. M'Intyre, but also to the commonwealth, they were unwilling to perplex or embarrass it by considerations not legitimately applicable to the inquiry. They applied to the "Union Canal company of Pennsylvania" for such information as was requisite, which will be found in the statements annexed in this report.

Your committee cannot recommend any measure having a tendency to impair rights which they believe to be vested; rights acquired under a construction conformable to common sense—are generally received, and now after the lapse of so many years, for the first time questioned. Your committee are satisfied that a measure of this kind would not only be unjust, but fraught with mischief. It would lead the community hereafter with great suspicion to make any investment in property on the faith of a promise, pledge, grant or guaranty by the commonwealth, and would thereby directly affect its credit. To adopt any measure which should prove disastrous to this company, would not only injure Philadelphia, but the state generally, by interfering with the only channel of communication by water, between the public improvements and that city.

Your committee, however, are gratified that they are enabled to conclude by proposing a measure whereby lotteries may be entirely abolished in this commonwealth, at the expiration of the next year. The contract entered into by Mr. M'Intyre will then terminate; and the company may be compensated in money for the sum which will then be due to them. Your committee think it would not only be unjust to interfere during the continuance of the existing contract, but would prove cruelly oppressive to the contractor. Mr. M'Intyre has complied with his contracts faithfully: he is a citizen of another state, and relying on the faith of acts of Assembly of this commonwealth; on the best advice, and sanctioned by legislative encouragement, he has made his contract. It is impossible at all to estimate the injury he might sustain, if compelled abruptly to wind up a business at best one of great hazard.

Your committee herewith present to the Senate detailed statements of the receipts under the lottery privileges, also of the tolls received, and the manner in which they have been disbursed, which in accordance with the views of your committee, will show that there will be due to the company, on the 31st day of December, 1833, the sum of one hundred and twenty-four thousand seventy-two dollars and fifty-four cents; which, when paid, the lottery privileges may be extinguished.

Your committee have discharged their duty; they believe that the plan proposed is one whereby lotteries may be speedily abolished, at a moderate expense to the com-



monwealth, consistently with its faith, and without oppression or injustice to individuals.

The committee therefore offer the following resolution:

Resolved, that a committee be appointed to bring in a bill in conformity to the foregoing report, making provision for the payment of the balance which the company would be entitled to, and for the suppression of lotteries in this commonwealth, after the 31st day of December, 1833.

#### No. 1.

Statement of the nett proceeds of the Union Canal lotteries, up to March 17th, 1821, as authorized by the act of April 2d, 1811.

1814, January 4, Amount received from Henry Pratt, manager of the first class,	8,000
1817, January 15, do. from Solomon Allen, 4th class,	10,500
1817, December 13, do. from Solomon Allen, 5th class,	17,250
1818, June 8, do. from Solomon Allen, 6th class,	29,400
1818, December 18, do. from Solomon Allen, 7th class,	12,000
1820, February 20, do. from B. B. Howell, 2d and 3d class,	21,000
1820, May 30, do. from Solomon Allen, 8th class,	28,500
1821, March 17, do. from Solomon Allen, 9th class,	9,600
	<u>\$136,250</u>

Deduct amount expended by the old company, up to March 17, 1831,	65,748 43
	<u>70,501 57</u>

This amount was handed to the new board of managers, viz:

In cash,	1,511 61
In the United States' six per cent.	59,389 96
In Solomon Allen's note, due October 16,	9,600 00

70,501 57

The whole of which has been expended as follows, viz.

1825, July 16, interest on loan of \$550,000,	1,302 15
October 16, "	1,456 58
1826, January 16, "	3,048 00
April 16, "	4,181 34
July 16, "	6,486 59
October, 16, "	8,130 60
1827, January 16, "	8,247 12
April 16, "	8,250 00
July 16, "	8,250 00
October 16, "	8,250 00
1828, January 16, "	8,250 00
April 16, in part of interest due this day,	4,649 19
	<u>70,501 57</u>

Amount authorized to be raised by the act of 2d April, 1811,	340,000 00
Amount raised under the act of 2d April 1811,	136,250 00
Balance yet to be raised under do.	<u>\$203,750 00</u>

The manner in which the sum of \$136,250 has been expended is shown on the first page.

The balance yet to be raised, \$203,750, is pledged as follows, to wit:

1st. Loans have been effected under the authority gi-

ven by the 26th section of the act of 1811, to the extent of one million four hundred and thirty thousand, four hundred dollars, and this fund is pledged to the lender of the said money.

2d. By the act of 1811, it is declared that it is just and right that the old stockholders should be placed on the same footing with the new, and this fund is expressly pledged to said stockholders; this pledge is recognized by the act of 29th March, 1821.

Suit has been instituted in the Supreme court on behalf of the old stockholders, for the purpose of trying the question what amount they are entitled to receive—this case is now ready for argument at the present term of the court. This suit will involve the determination of the questions as to the relative rights of the loan holders and old stockholders, the extent of the respective pledges, and also whether the grants are separate and distinct, or the one only a continuation of the other. It will thus be perceived that the inquiries now pending before the committee, are in train for a speedy judicial decision.

The amount claimed as arrears of the interest by the old stockholders out of this amount is \$62,567 64.

ATTEST, THOMAS P. ROBERTS,  
*Treasurer of the Union Canal Company.*  
Philadelphia, Feb. 4, 1832.

#### No. 2.

Statement of the nett proceeds of the Lotteries from January 16, 1822, to January 16, 1832.

1822. January 16, received from A. M'Intyre, Union Canal Lottery, 10th class,	\$9000 00
January 23, 1st, new series,	1339 80
February 28, 2d	2233 00
Dec. 4, 3d	5039 63
7, 4th and 5th	8313 36
1823. April 18, 6th	6314 00
do. 7th and 8th	10,433 52
February 25th, 9th and 10th	6387 81
1824. April 14, 11th and 12th	4775 10
November 1, 13th	5374 18
1825. March 31, under new contract 1st pay't.	6875 00
July 1, 2d	6875 00
October 4, 3d	6875 00
1826. January 1, 4th	6875 00
March 31, 2d year, 1st pay't.	7125 00
July 1, 2d	7125 00
October 2, 3d	7125 00
1827. January 1, 4th	7125 00
March 31, 3d year, 1st	7500 00
June 30, 2d	7500 00
September 29, 3d	7500 00
December 31, 4th	7500 00
1828. March 31, 4th year, 1st	7750 00
June 30, 2d	7750 00
October 1, 3d	7750 00
1829. January 1, 4th	7750 00
April 13, 5th year, 1st	8000 00
July 6, 2d	8000 00
October 11, 3d	8750 00
1830. January 1, 4th	8250 00
April 1, new contract 1st year, 1st	7500 00
July 1, 2d	7500 00
October 8, 3d	7500 00
December 31, received from A. M'Intyre, new contract, 4th pay't.	7500 00
1831. March 30, 2d year, 1st	7500 00
July 6, 2d	7500 00
October 8, 3d	7500 00
1832. January 4, 4th	7500 00
	<u>269,210 40</u>

Out of the above the following sums have been paid for interest on instalments paid in by the holders of the stock subscribed in April, 1821.

1822. April 16, first payment,	2700
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1822.	October 16, second,	1355 00
1823.	April 16, third	1947 89
	October 16, fourth	2317 55
1824.	April 16th, fifth	4247 62
	October 16th, sixth	6351 54
1825.	April 16, seventh	8297 94
	October 16, eighth	8551 81
1826.	April 16, ninth	10,347 16
	October 16, tenth	11,161 01
1827.	April 16, eleventh	12,150 00
	October 16, twelfth	12,150 00
1828.	April 16; thirteenth	13,480 42
	October 16, fourteenth	13,500 00
1829.	April 16, fifteenth	13,500 00
	October 16, sixteenth	13,500 00
1830.	April 16, seventeenth	13,500 00
	October 16, eighteenth	13,500 00
1831.	April 16, nineteenth	13,500 00
	October 16, twentieth	13,500 00
		<hr/> 189,532 94

Balance February 1, 1832, 97,677 46

Attest,

THOMAS P. ROBERTS,

*Treasurer of the Union Canal Company.*

Philadelphia, February 5th, 1832.

The act of 26th March, 1821, directs that the excess over the amount required to pay the interest guaranteed by the state raised under the authority of that act shall be reserved to meet any deficiency of interest. This sum is claimed in the suit now pending to try the rights of the old stockholders. The company have deemed themselves bound to retain it according to the direction of the act of 1821, thus understood.

No. 3.

Statement of toll received upon the Union Canal, from the opening of the navigation in 1828, to the 1st of January, 1832, and the current expenses during the same period, chargeable against the tolls.

Toll received from April 1, 1828,	
to January 1, 1829,	16,391 48
Toll received from January 1,	
1829, to November 1, 1829,	15,796 73
Toll received from November 1,	
1829, to November 1, 1830,	35,133 82
Toll received from November 1,	
1830, to November 1, 1831,	59,137 21
Toll received from November 1,	
1831, to January 1, 1832,	5,809 82
<hr/>	
	132,269 06

Current Expenses, viz:

Wages to lock-keepers from April 1, to November 1, 1828,	3,354 94
Wages from November 1, 1828, to November 1, 1829.	9,714 51
Wages paid from November 1, 1829, to November 1, 1830,	7,497 32
Wages paid from November 1, 1830, to January 1, 1831,	844 17
Arrearages due up to January 1, 1831, not yet called for,	900 00
Paid toll collectors at Lebanon,	674 83
Paid toll collectors at Fairmount,	309 61
Salaries to collectors of tolls, superintendents, lock-keepers, &c. from January 1, 1831, to January 1, 1832,	11,426 25
<hr/>	
	34,721 63

*Repairs,*

From April 1, 1828, to November 1, 1828,	\$3,758 45
From November 1, 1828, to November 1, 1829,	5,894 77

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From November 1, 1829, to November 1, 1830,	4,510 60
From November 1, 1830, to January 1, 1831,	573 58
From January 1, 1831, to January 1, 1832,	3,039 29
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	17,776 69

*Incidental expenses at Lebanon,*

From April 1, 1828, to November 1, 1828,	443 07
From November 1, 1828, to November 1, 1829,	949 92
From November 1, 1829, to November 1, 1830,	847 72
From November 1, 1830, to January 1, 1831,	56 75
At Philadelphia during same time,	2,013 82
Expenses for coal, oil, &c. &c. January 1, 1831, to January 1, 1832,	6,047 43
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	10,358 71

Of resident engineer, president, treasurer and secretary, and clerk of the work, salaries to January 1, 1832,	9,850 00
Expenses of the water works during same time,	20,102 61
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	92,809 64

Balance, \$39,459 42

#### SUMMARY STATEMENT.

1st grant. Amount authorised to be raised by act of 2d April, 1811,	\$340,000 00
Amount raised under said act,	136,250 00
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Balance of old grant to be raised,	\$203,750 00

2d grant. Amount raised under second grant,	\$269,210 40
Amount expended in interest,	189,532 94
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Excess reserved under directions of the act of 26th March, 1821, after paying interest,	\$79,677 46
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	Loans.	Interest.
Amount of loans upon which interest is now paid quarterly,	\$1,430,400	\$85,824 00
Amount of new stock on which interest is paid half yearly,	450,000	27,000 00
State subscription on which at present no interest is paid,	50,000	
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Total,	\$1,930,400	\$112,824 00
Amount of old stock on which interest is not yet paid, (in suit)	147,600	8,856 00
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Total amount of stock and loans,	\$2,078,000	121,680 00

#### SUMMARY STATEMENT.

From the statements submitted it will ap-



pear that there remains to be raised under the act of 1811,	\$203,750 00
And that there is under the second grant an excess reserved, agreeably to act of 1821, of	79,677 46
	<hr/> \$124,072 54

It will also appear, that the nett proceeds of the tolls have fallen far short of the interest payable on the loans, so that there never have been any proceeds which the company could apply to the payment of interest on the stock of the company.

Attest,

THOMAS P. ROBERTS,

*Treasurer of the Union Canal Company.*

Philadelphia, February 4, 1832.

### REPORT UPON EDUCATION.

*Report of the Committee on Education of the House of Representatives of Pennsylvania.—Read, February 27, 1832, by Mr. Anderson, Chairman.*

The committee on education, to whom so much of the Governor's message as relates to that subject was referred, report:

That in the opinion of the committee, all the provision that has been made by law, for the education of the poor in this state, falls far short of a compliance with the constitutional injunction, that "the legislature shall, as soon as conveniently may be, provide by law for the establishment of schools throughout the commonwealth, in such manner that the poor may be taught gratis." The wise statesmen who framed our constitution, could not, your committee apprehend, have supposed that the legislature would adopt a plan so inefficient, and so much at variance with the letter, if not with the spirit of the constitution, as the present system of Pennsylvania; and it is to be lamented, that a law which had scarcely gone into operation, when it was found to be abortive, or nearly so, should continue to hold a place in our statute book for a period of more than twenty years. But your committee are not disposed to scrutinize the measures of their predecessors, in relation to this interesting subject, with severity. Much as they lament so unaccountable a delay, in the performance of a duty, so imperatively enjoined by the constitution, they cannot believe that the enlightened representatives of the people, have ever been insensible of its magnitude, or of the weight of the responsibility imposed upon them, for its execution. The journals of their proceedings, in reference to the measure, furnish abundant evidence to show, that they have been deeply impressed with the importance of the trust, and that their efforts to fulfil it, although unavailing, have been unceasing. The deep rooted prejudice of many, against innovation, or a departure from long established usages; the avarice of some, who are too penurious to allow their own offspring the advantages of education; the ignorance of others; and the want of a public fund, the only foundation on which a system of common schools can permanently rest, are among the causes that have exerted the greatest influence in preventing the advancement of the cause of education in Pennsylvania.

Your committee have not the vanity to suppose they could shed any new light upon a subject, which has so frequently engaged the talents and attention of some of the ablest statesmen of our country, and which has been so repeatedly and anxiously recommended and pressed upon the attention of the legislature, by our present chief magistrate and his predecessors, and by memorials from every section of the state.

If it be true, that the happiness of the people, is the legitimate and sole end of the government; that their attachment to the government, is its best security, and the only conservative power we can resort to with con-

fidence, to protect and preserve the liberties of our country, it is equally true, that the improvement of their moral and intellectual condition, by a general diffusion of knowledge, would more successfully and effectually promote the attainment of these ends, than any other measure which could be presented to the consideration of the legislature.

Of all the numerous adversaries of civil liberty, ignorance is the most formidable. Through its aid and influence, tyrants and demagogues were enabled to subvert the liberties of all the ancient republics.

Many years have elapsed, since the patriots of South America unfurled the banner of rebellion—since they were enabled to rouse the redeeming spirit of revolution into active operation; but owing to the extreme ignorance and moral degradation of much the largest portion of the population, many more must elapse, before they can be a free, prosperous and happy people. Ignorance presents a formidable barrier against the progress of civilization, of religion, and of morality. It promotes vice, idleness, poverty, and pauperism. In fine, it is the polluted and prolific source from which nearly all the miseries of mankind emanate.

If then, the correctness of the foregoing observations be admitted, what an impressive lesson do they present to us. What stronger motives, your committee would ask, can we have, to press forward in the cause of education, with unremitting zeal and perseverance? What stronger inducements can we have, to labor unceasingly and diligently in the cause, until we triumph over every obstacle that may present, to prevent the accomplishment of an end, in which the happiness and prosperity of the rising generation, and of generations to come, are so deeply involved?

The decided superiority of the laboring poor of other states, in which successful experiments have been made, over the same class in Pennsylvania, should be sufficient to stimulate us to the performance of this duty. It is a moral duty, imposed upon us by the author and dispenser of all good. "It is the first of our political duties; we owe it to our principles, to our institutions, to our posterity, and to mankind."

But although your committee are aware, that one of the first and most important duties enjoined on the legislature, is to provide for the education of the poor, and are duly impressed with the necessity for prompt and efficient legislation upon the subject, they feel constrained, reluctantly, to yield to the conviction, that the present is not a propitious time to introduce a system, differing materially in its provisions from the one now in operation.

Owing to the fears too generally entertained, that an onerous system of taxation must be resorted to, to pay the debts contracted by the state, in the construction of her canals, rail roads, and other public works, any plan your committee could mature, requiring the imposition of additional taxes, for its support, would, it is believed, meet sufficient opposition, to render it abortive. They are also of opinion, that the time will not arrive very soon when any system of common school education, that must derive the means of supporting it, from taxation alone, can be carried into successful operation.

To secure the prosperity and permanent establishment of schools throughout the commonwealth, in the manner indicated by the terms of the constitution, the aid of a productive school fund, is deemed indispensable necessary.

The want of this aid, your committee believe, was the chief cause of the rejection and failure of the act of eighteen hundred and twenty-four, and of the opposition to all the schemes that have since been matured, and recommended for legislative action.

It is the prop which sustains the systems of New York and Connecticut, and the stay which must support any system of common schools that our successors may adopt.

Impressed, no doubt, with this conviction, the legis-



lature, at their last session, passed an act, providing the means for raising a fund, the interest of which, when it shall have amounted to the sum of one hundred thousand dollars, is to be "distributed and applied to the support of common schools, throughout the commonwealth, in such manner as may hereafter be provided by law."

Your committee cherish a hope, that the time will soon arrive, when the fund will be sufficient to warrant the distribution of that sum, and that the period is not very remote, when it will yield a sum sufficient to secure the introduction and permanent support of any efficient system their successors may adopt.

Your committee are aware, that the duty of projecting and perfecting a system, that will be adequate to the wants and wishes of the people, will be difficult and embarrassing, without the aid of other and more valuable information upon the subject, than the present legislature is possessed of.

In order, therefore, that their successors, upon whom that duty may devolve, may be furnished with all the useful information that can be obtained, your committee would respectfully recommend the adoption of the accompanying resolutions:

*Resolved*, By the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Governor be, and he is hereby authorised to appoint three commissioners, whose duty it shall be, to collect all the information, and possess themselves of all the facts, relating to the subject of education, that can be obtained from any quarter, and to embody the same, with such remarks and suggestions as they may think proper to make, in a report, to be transmitted to the next legislature.

*Resolved*, By the authority aforesaid, That the accounts of the commissioners appointed under the foregoing resolution, for expenses necessarily incurred in the discharge of their duties, shall be settled and allowed by the Auditor General, and paid by the State Treasurer.

From the Muncy Telegraph.

### THE VALLEY OF MUNCY.

Many of the names of villages, rivers, and mountains in our country, still retain the names given to them by the original inhabitants, or take the name of some tribe which formerly inhabited the surrounding country. Thus that tract of country which lies in the lower end of Lycoming county, in the state of Pennsylvania, bounded on the west by the Loyalsock creek, on the south-west by the West Branch of the Susquehanna river, on the south by the Muncy hills, on the east by the line of Columbia county, and on the north by the Allegheny mountain; derived its name of Muncy from the tribe of Indians called Muncy, who formerly were undisputed lords of the soil, the remnant of which has been driven far to the west, by the advancing tide of white population, so that their name would be forgotten, had they not left it impressed upon the hills and streams which they formerly frequented.

On the great road, which leads from Northumberland to Williamsport, the county seat of Lycoming county, about twenty-five miles from the former, which is at the junction of the North and West Branches of the Susquehanna, on the northern descent of the Muncy hills, there is a point from which a view of a great part of this beautiful country may be obtained; to the left may be seen the level and fertile valley of Black Hole, formed by the Bald Eagle mountain on the north, and Muncy hills on the south, and separated from Muncy by the river, which adds much to the beauty of the prospect, winding round the end of the Bald Eagle mountain, after having washed its base a distance of thirty-five miles; in front there is a gradual slope towards the north about two miles, which terminates in the bed of Muncy creek. About half way to the creek stands the neat little vil-

lage of Muncy. On the north side of the creek the land is rolling, but of good quality. At the distance of five or six miles to the north, may be seen the first range of hills, which present an undulated appearance, the hills being broken by frequent vales. Beyond these hills at the distance of eleven miles, the Allegheny mountain, the father of many waters, may be seen, coursing from north-east to south-west, adding sublimity to the scene.

Towards the east the wide flat of land extends from the river about five miles, and it is here bounded by such hills as appear towards the north; this hill country extends to the Columbia county line, being a distance of about twenty miles.

The principal stream which waters this section of country, is Muncy creek, which empties into the river immediately opposite the end of the Bald Eagle mountain, and about one mile from the village of Muncy; it is formed by the junction of the Big and Little Muncy, about three miles from its mouth, the former having its course of twenty-five miles nearly in a western direction.

The eastern section of hill country, comprising the townships of Moreland, Penn, Franklin, and part of Shrewsbury, sustains 1600 inhabitants, it abounds in White-pine timber of a very good quality, which now finds a ready market at the Mills, as it is here that a large part of that rich and populous valley, lying south of Muncy hills, must seek its supply of lumber of every description.

The middle portion of the district which I am attempting to describe, consists of the townships of Muncy and Muncy Creek, containing 1969 inhabitants, and the borough of Muncy, containing 479 inhabitants; this section of country is fertile, and is improving rapidly, it has also an advantage on account of which the density of population will be greatly increased, viz: that excellent water can easily be obtained, by digging in almost any situation.

About five miles north-east from the borough of Muncy, and on the Big Muncy creek, is situated the village of Hughsville; it contains about one hundred inhabitants, it is rising fast in importance, and its trade yearly increasing.

The township of Fairfield, or the most western part of the district, is partly composed of river bottom and partly of hill land, it contains 864 inhabitants; the amount of population of the district being 4912.

There are on the waters of Muncy creek, thirty-three saw mills, many of which are kept in operation several months in the year—there are also, seven grist mills and three wool and cotton factories within five miles of the borough of Muncy; but it is to be regretted that, within the same distance, there are five distilleries now in blast, which at the lowest estimate destroy twenty-five thousand bushels of grain in a year.

The borough of Muncy is rapidly increasing in size and population, it is possessed of considerable trade, in which it cannot be rivalled by any other point; being situated at the bend of the river and at an equal distance between Williamsport and Milton, so that the trade of the greater part of the country above described, must centre here, as well as part of the trade of Clinton township, on the west side of the river, and of the country south of the Muncy hills.

Through this place, daily stage coaches pass, in their route from Washington city to Black Rock in the state of New York; stages also arrive at Muncy, six times a week from Pottsville, three of those arrivals being by the way of Danville, and three by the way of Bloomsburg, besides various other mails which are carried on horse-back.

The number of newspapers which yearly arrive at the Post office of Muncy, destined for the borough and its immediate neighbourhood, is estimated at 10,000, which would argue that a reading spirit prevails throughout this section of country; there is also a very neat weekly



paper published in this place, called the "MUNCY TELEGRAPH," which has a general circulation through this part of the country.

It is, however, believed that could a direct communication by a good road, be opened between Muncy and that part of the state of New York which lies north of it, that great advantages would accrue, not only to the inhabitants of Muncy and other towns below it on the West Branch, but also to the holders of lands on the route of such road, and to the inhabitants of Bradford county and of that part of the state of New York which lies adjacent.

The advantages to Muncy, to be expected from such a road are very apparent.

1st. The trade would be extended by the rapid settlement of those wild lands through which such road must pass, which must depend on Muncy for various supplies.

2d. Salt and plaister would be brought from the lake countries, by the the way of the canal to Newtown, from which place it would bear transportation to Muncy; where it would be exchanged for wrought or cast iron, which might advantageously be brought on the canal from Centre county, when it shall be completed from Muncy to the mouth of the Bald Eagle.

3d. Travellers from all those counties bordering on the lakes, from Niagara to Saekets Harbor, going southward; would choose such a route in preference to the Berwick and Newtown turnpike; because, the distance would be 15 miles shorter from Newtown to Northumberland, than by this turnpike: the road could also be made with less elevation. Numerous droves of cattle might also be expected to travel this road, which would otherwise be obliged to take the Berwick or a more western and circuitous route. This increase of travelling through Muncy, and in a southern direction, would not only be of advantage to Muncy, but to other towns situated below it on the West Branch.

That part of the county of Lycoming which lies beyond the Allegheny mountains, and directly north of Muncy, is almost shut out from communication with the more southern part of the county, owing to the extremely bad road over which they must, at present, bring all their foreign supplies, as well as the greater part of those heavy articles, which are manufactured in the country.

It is evident, therefore, that were a good road made over the mountains, that that country, which under all its disadvantages, has many inhabitants, would be improved much more rapidly, a stimulus would be given to industry, and large droves of cattle would, ere long, be collected in Elkland township, the soil of which is well adapted for grazing.

The advantages which would accrue to Bradford county, and to the adjacent parts of the state of New York, from the construction of such a road as I have mentioned, will at once suggest themselves, from what I have already said; for if we shorten the distance one-fifth, and give them a better road than they now travel, they ought certainly to feel themselves much obliged to us. The making of such a road is now contemplated; an act has been passed to incorporate a company under the title of the *Muncy and Monroe Turnpike Road Company*; subscriptions for stock in which are now being taken. When sufficient stock shall have been subscribed, it is intended that the company shall construct a road from Muncy to intersect the Berwick and Newtown turnpike, at Monroetown, in Bradford county. The distance from Muncy to Monroetown, by the proposed turnpike road, will be forty-six miles; from Monroetown to Newtown thirty-three miles; from Monroetown to Towanda, the county seat of Bradford, four miles; from Towanda to Tioga Point, fourteen miles; from Towanda to Ithica, fifty miles; to Auburn about the same distance, and to Owego thirty miles.

When we consider that the Pennsylvania canal is completed to Muncy, with the exception of the Muncy

dam, and that the New York canal, will soon be connected by canal to Newtown. We may fairly conclude, that a turnpike which would connect the two points, would yield a large amount of tolls, from the trade which would be carried on between them, and the travelling which would be turned into it. The northern section of the road would, no doubt, be much used by coal wagons, a considerable quantity of stone coal being already carried from the Towanda coal mines.

Nor would the expense of making the road be so great as might at first view be imagined, for excepting across the mountain, it is supposed that the site of the road already made, would answer that of the proposed turnpike.

R.

#### FOURTEENTH ANNUAL REPORT OF THE CONTROLLERS OF THE PUBLIC SCHOOLS.

THE CONTROLLERS of the PUBLIC SCHOOLS for the city and county of Philadelphia, in obedience to the provision of the act of Assembly, of March 3d, 1831, present the following "Statement of the amount of Expenditure, and of the number of Children educated in the Public Schools."

The Lancasterian Schools of the First School District of Pennsylvania, agreeably to returns certified from the respective sections, at present contain *four thousand six hundred and two pupils*, of whom two thousand three hundred and ninety-seven are boys, and two thousand two hundred and fifty girls, thus distributed among the following schools, viz:

	Boys.	Girls.	Total.
MODEL SCHOOL,	243	170	413
1ST SECTION—Locust st. School,	265	200	465
North Western,	88	89	177
South Western,	130	120	250
Lombard st. (col'd.)	203	257	460
2D SECTION—Northern Liberties,	412	280	692
Kensington,	208	256	464
Franklin st.	58	51	109
N. Liberties, (col'd.)	17	11	28
3D SECTION—Southwark,	378	308	686
4TH SECTION—Penn township,	233	242	475
9TH SECTION—Moyamensing,	162	221	383
	2397	2205	4602

In those parts of the district where no Lancasterian Schools are by law required, *nine hundred and six children* have attended the ordinary Schools selected by the Directors of each particular section; making, with those above enumerated, an aggregate of *FIVE THOUSAND FIVE HUNDRED AND EIGHT PUPILS*, educated at the public expense since the last annual report.

During the fourteen years which have elapsed since the establishment of this valuable system of public instruction in the city and county of Philadelphia, *FOURTY-FOUR THOUSAND FOUR HUNDRED AND TWENTY-SEVEN CHILDREN* have been admitted to our Schools, and availed themselves of the advantages so wisely and liberally extended to them, by the existing laws.

From the subjoined accounts, duly audited and reported by the proper authorities, it appears that in the past year, this Board has drawn orders upon the county Treasurer for the sum of 27,595 dollars 15 cents, of which 19,488 dollars 97 cents, is chargeable to the support of Lancasterian Schools, and 8106 dollars 18 cents, to expenses of education in the county sections. During this period the expenditure of the Controllers has been strictly confined to ordinary and unavoidable demands for maintaining and conducting the existing schools. In the approaching season, however, several objects of great interest and importance will demand the attention of the Board, and augment the claims upon its funds.

The Directors of the First Section, in pursuance of authority granted by the Controllers, have purchased a



lot of ground upon Race street, west of Broad street, whereon it is intended to erect, in the course of the summer, a commodious and substantial building for the accommodation of the North Western Schools, which have hitherto been located in a small and inconvenient room wholly inadequate to the wants of the population, so rapidly increasing in that quarter.

In the Second Section also, where the demands upon the system of Public Schools is extensive and rapidly augmenting, the present buildings are insufficient to contain the pupils actually belonging to the different schools, and numerous applicants are for a time necessarily denied admission.

The Controllers are anxious to obviate these difficulties, and to supply rooms and teachers at a period as early as may be consistent with a judicious regard to the extent of annual expenditure. They have accordingly decided upon the establishment of another School in that Section, to which the present occupants of the Franklin street School may be transferred; and have given the requisite authority to the Directors to procure ground and erect a new school house as early as circumstances may permit.

The subject of the education of "*children under five years of age*," has engaged the earnest attention of the Controllers for a long time, and notwithstanding the difficulties which surround it, has received that deep and serious consideration which its great importance merits. To commence the business of moral and intellectual instruction, at the earliest practicable moment, and thus to awaken the intellect, to excite, foster, and guide the moral principle, before evil example, pernicious habits, or corrupt practices, shall have corrupted the mind, is of incalculable interest to all classes of pupils, but immeasurably so to those of *our* schools, whose period of instruction is at best brief, and often curtailed by the necessities of their parents, or imperious circumstances, which prevent, by early devotion to labour, the acquirement of useful learning. To obtain the best mode of infantile instruction—to establish a model school, wherein teachers might be qualified to apply and carry out such system—to devise the most eligible mode of connecting a series of such schools with the existing establishment, and in accordance with existing laws—all these objects continue to claim the serious consideration of the Board.

A plan for infant education has been submitted to this Board, which appears to unite most, if not all, of the requisites for simple and efficient instruction. This has been accepted, and will require an immediate establishment for its proper development, and the qualification of teachers for additional schools. To the formation of such a model school, during the present season, the Controllers look forward with confidence.

The grateful acknowledgments of the Board, in behalf of the recipients of this bounty, are due for the liberal bequest of ten thousand dollars, by the will of our late munificent fellow citizen, Stephen Girard, whose enlightened views and patriotic feeling, guided the distribution of his princely wealth to great public improvements; and to none more signally than to the advancement of education.

In the midst of the prosperity which continues to attend every department of the Public School System, affording the best encouragement and highest gratification to the gentlemen of the different Boards engaged in its administration, reflecting honor and credit upon the teachers and various agents employed, and cheering the hopes of all who feel interested in the great work of public education—the Controllers have to regret the resignation of their late valued and respected President, ROBERTS VAUX, Esq. whose best feelings and most assiduous labours have been devoted to this important enterprise during the last fourteen years. If the satisfaction arising from a sense of duty conscientiously performed, of disinterested services faithfully bestowed for a protracted period in maturing and conducting a sys-

tem of vast public benefit, can be enhanced by assurances of the frank and cordial esteem and high respect of his colleagues, this gentleman has left the Board under circumstances affording subjects for the most gratifying recollections.

On behalf of the Board,

THOMAS DUNLAP, President.

Attest—T. M. PETTIT, Secretary.

Chamber of the Controllers,

Philadelphia, February 14, 1832.

The Controllers of the Public Schools for the city and county of Philadelphia, report, that from the first day of January, 1831, to the thirty-first day of December, 1831, they drew orders on the county Treasurer, agreeably to the laws authorizing the same, amounting to

\$27,595 15

The whole of which is charged as follows:—

#### LANCASTERIAN DISTRICT.

MODEL SCHOOL, Chester street.

Teachers' salaries, stationary, fuel, &c. \$1,617 76

FIRST SECTION, comprehending the city of Philadelphia.

Teachers' salaries, stationary,		
fuel, rent, &c.	\$5,823 90	
School furniture,	43 96	
		5,867 86

SECOND SECTION, comprehending part of the N. Liberties and Kensington.

Teachers' salaries, stationary,		
fuel, &c.	\$3,578 62	
Real Estate,	159 81	
		3,738 43

THIRD SECTION, comprehending Southwark.

Teachers' salaries, stationary, fuel, &c. 1,988 47

FOURTH SECTION, comprehending Penn township.

Teachers' salaries, stationary,		
fuel, rent, &c.	\$1,509 96	
Real Estate,	21 76	
		1,531 72

FIFTH SECTION, comprehending Moyamensing.

Teachers' salaries, stationary,		
fuel, rent, &c.	\$2,176 56	
School furniture,	86 57	
		2,263 13

GENERAL EXPENSES.

Secretary's salary, advertising school books, and other supplies, incidental expenses, &c. 2,481 60

\$19,488 97

The Controllers further report, that for that part of the county in which Lancasterian Schools are not required by law, orders were drawn on the county Treasurer, as follows:

SECOND SECTION, part of Northern Liberties and of Kensington, \$1,483 92

FOURTH SECTION, part of Penn township, 607 79

FIFTH SECTION, comprehending the townships of Oxford, Lower Dublin, Byberry and Moreland, 1,305 39

SIXTH SECTION, comprehending the townships of Germantown, Roxborough and Bristol, (Germantown having a Lancasterian School,) 2,297 35

SEVENTH SECTION, comprehending the townships of Blockley and Kingsessing, 1,644 13

EIGHTH SECTION, comprehending the township of Passyunk, 767 60

\$8,106 18



## RECAPITULATION.

## LANCASTERIAN SYSTEM.

School expenses,	\$19,176 87
Real Estate and School furniture,	312 10
	<hr/> 19,488 97
Outer Sections,	8,106 18
	<hr/> \$27,595 15

## PENNSYLVANIA AND OHIO RAIL ROAD.

We invite the attention of our readers to the remarks of the editor of the Steubenville Herald, upon this subject. Steubenville is entirely out of the line of the proposed rail-road, and the opinions of the shrewd, intelligent editor of the Herald may be relied upon as those of a disinterested and competent judge.—*Pitt. Gaz.*

From the Steubenville Herald.

## RAIL ROAD FROM PITTSBURG TO MASSILLON.

Our readers have already been advised that it has been in contemplation to incorporate a rail-road from Pittsburg, by the way of the valley of Little Beaver, through New Lisbon and Canton, to the Ohio Canal at the town of Massillon. This route was last season examined and surveyed by a competent engineer, under the direction of a committee appointed by the citizens of the towns named, and was not only found perfectly practicable, but also shorter than any other route proposed. The following is the concluding part of the Report made by the engineer, (Lt. O. M. Mitchell,) to the Pennsylvania and Ohio Rail-road Company:

"In no instance has the grade been allowed to exceed the limit of 32 feet per mile; which presents no obstacles to the transportation of a given load by the same power from one extremity of the route to the other. The curves which have been adopted have in no instance a radius less than one thousand feet, which will admit the uninterrupted velocity of locomotive engines. In so general a report, none but general estimates of expense can be expected; and as these must vary according to the different modes of construction adopted, I shall here only state that the average cost per mile, upon the whole distance, may be made to vary from eighteen to twenty thousand dollars. In conclusion, I may remark, that the route is one of at least ordinary practicability. The whole distance from Pittsburg to the Ohio Canal is less than one hundred and eight miles; from whence it appears our route is remarkably direct. *Taking into consideration the immense advantages which must flow from such a connexion, and the rich and fertile country through which it passes, we may be warranted in the belief, that stock here invested must prove as productive as any upon a route of the same length in any part of the United States.*"

An act of incorporation was passed by the legislature of Ohio, at the late session, for a company to construct the said road, under the name of the "Pennsylvania and Ohio Rail-road Company," and the same is now before the legislature of Pennsylvania for its sanction. It is believed there will be little or no difficulty in procuring the subscription of the stock in Philadelphia, Pittsburg, and on the line of the rail-road.

This improvement will be a most important one for the counties through which it is to be made, and no less so for the commercial interests of those cities. It will turn almost all the entire trade of our canal for at least one hundred miles of its length, into Pennsylvania, and thus add immensely to the receipt of tolls on her great canal. To the town of Massillon, already an important point on the Ohio canal, it must be peculiarly beneficial. That town, we have no doubt, is destined to be the Rochester of Ohio.

Although our town is out of the way of such improve-

ments, it gives us much pleasure to note the bright prospects of other places. We have the Ohio river on our borders, and a healthful and productive section of country around us; with these we ought to be contented. No improvement can be made, pointing toward the river, that we shall not feel the benefit of.

From the Princeton Courier.

## WATER POWER AT MANAYUNK.

As considerable interest is manifested, and much inquiry, as to the probable profits of the water power about to be created in and near Trenton, together with a desire to know the comparative difference between that located at Manayunk, on the Schuylkill, and the one at this place, I have recently been favored with the following table and letter, received from a gentleman possessing a general knowledge of the subject, accompanied with a few remarks, tending to show a concise view of both works with the comparative profits of each. From the best information obtained through other sources, the following statement and table is believed to be substantially, if not minutely correct.

JANUARY 20, 1832.

DEAR SIR,—Opposite I send you a table showing the amount of rents paid for water privileges at Manayunk, and for what kind of manufactures used. The water was first rented at \$3 per square inch, drawn under a head of three feet, it was afterwards raised to \$4.50 at which price it remained but a short time, when it was raised to \$6 at which price it has been for some years. The falls will average about 22 feet from the surface of the water in the canal, to the tail race of the mills, the mills are entitled to the water in the order rented; the last rented to stop first in case of any want of water, and the whole subject to the navigation through the locks. The total number of horse power is 332; and at the rate of \$3 per inch, it is equal to about \$19 per annum for each horse power; at \$4.50 it is equal to about \$28.50, and at \$6 it is equal to about \$38 per annum. The first of the mills commenced in 1820—the total number as per table is 14—you will observe by the table there are two different numbers of inches and amount of rent to the same mill; this arises from the owner not renting sufficient at first and afterward having increased his machinery, found it necessary to increase his water, and at an increased price, as in the case of Rowland, Richards, and others.

Yours, &c.

	No. inches.	Rate per inch.	Lease per year Amount of each	Total per ann.
Parke, Cotton,	150	3 00	450 00	450 00
Borie & Co. Cotton,	360	3 00	1080 00	1080 00
M'Dowell, Paper,	100	3 00	300 00	300 00
Wagner, Cotton,	150	3 00	450 00	450 00
Brooke, Cotton,	50	3 00	150 00	252 50
Do. do.	25	4 50	112 50	
Hagner, grind. drugs,	50	3 00	150 00	375 00
Do. do.	50	4 50	225 00	
Rowland, Roll. mill,	65	3 00	195 00	387 00
Do. do.	32	6 00	192 00	
M. Richards, Cotton,	240	3 00	720 00	1320 00
Do. do.	100	6 00	600 00	
Darrah, Felt'g Hats,	100	4 50	450 00	450 00
Smick & Co. Flour,	50	4 50	225 00	225 00
D. Moore, Cotton,	300	6 00	1800 00	1800 00
Lea & Newman, Flour,	300	6 00	1800 00	1800 00
Eckstein, Paper,	140	6 00	840 00	840 00
Unknown, Cotton,	100	6 00	600 00	600 00

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\$10,329 50



Thus it appears from the above letter and table, that the Manayunk Water power on the Schuylkill, of 322 horse power; although part of it was leased ten or twelve years ago at only half what the remainder rents for now, yields annually \$10,329 50; although all the last leases, at the highest price, are subject to stop, when the water is low, yet they are taken with avidity at six dollars per inch.

Let us now examine briefly what is the prospect with the TRENTON WATER POWER, as it is commonly called, or "Trenton Delaware Falls Company."

Judge Wright in his report (after a strict examination and survey had been made,) estimated it at 722 horse power which he supposes amply sufficient for present purposes, but which, he says, may be increased to 1444 horse power, by raising the Dam one foot. Taking the lowest estimate:

722 horse power at \$38 per year, which is at the rate of \$6 per inch, the present price at Manayunk, it amounts to	\$27,436 00
From which we will deduct for bad debts, contingent expenses, clerk hire, &c. (more than 1-4th the amount.)	7,436 00

And it leaves a neat income of	\$20,000 00
a year on a capital of 90,000, or not exceeding 100,000 dollars.	

The full and minute estimate of the engineers for excavation, embankment, wall, aqueduct, and all other work, was \$70,540 90. The greater part of the work has been put out for prices less than the estimate. As the greater part of the land is already purchased on fair terms, some having generously given, or sold for trifling sums, their land to the company—as it runs mostly through broken ground, the damages are but small.

We may safely say the whole expense will not perhaps exceed \$90,000, or at the outside \$100,000.

The excavation is rapidly progressing, with a fair prospect of having it completed this year.

With this short statement of facts, capitalists manufacturers and others may draw their own conclusions.

One circumstance which is undoubtedly favorable, is, that property in this vicinity has advanced from thirty to fifty per cent. since its commencement. It seems hardly necessary to state, that it is situated on tide and canal communication with Philadelphia and New York, on the shortest direct route between these great cities, which must always give it a decided advantage over other places. The joint committee of both houses of the legislature reported unanimously at the late session in favor of building the New State Prison on it, probably within three hundred yards of the old Prison which may be turned into a State Arsenal to very good advantages: which is now much wanted. The great advantages of the Auburn State Prison, being located on water power, is well known to the public.

The best evidence of public opinion and confidence in the measure, by those acquainted with it, is the circumstance that all the stockholders came forward and took every share of the new stock, the first day the books were opened.

Not a share to be had except at a handsome advance."

The foregoing highly interesting statement on the subject of rents payable on water powers in the neighborhood of Manayunk, has been transmitted us for publication from an unknown but welcome source. From the above it appears that fourteen manufactories pay an annual rent of \$10,337 50, for the use of water required by their machinery. This sum strikes us as immense expenditure, yet it must be considered that it would still be further increased were all liable to the present rate of rent, \$3, per inch, to \$14,173. We are not sufficiently conversant with the incidental expenses of steam power to draw a parallel, yet we are satisfied that where fuel can be obtained at almost nothing, which is applicable to this neighborhood, steam power

must be cheaper. Now if some of our eastern manufacturers would turn their attention to the numerous advantages we enjoy by reason of our locality—we only ask a proper investigation—the result might be mutually a subject of congratulation. In England, all the great manufacturing towns, such as Manchester, Birmingham, Bristol, Leeds, &c. are situated in the different coal regions, and some of them far more remote from the sea-board than what we are. Manufacturing establishments of almost any description, connected or unconnected with mining operations, would speedily command a flourishing business. The *refuse coal*, without any enervation upon the marketable commodity, would of itself supply the requisite quantity of fuel.—*Miner's Journal*.

#### SUSQUEHANNA FLOODS.

About a century ago, the first settlers of the interior of this state were informed by the Indians that there was a tradition among them, handed down from father to son, that a "great flood" occurred in the Susquehanna, and the western branch of the Delaware at regular intervals of fourteen years, swelling the waters of those streams six or seven feet above the average height of the freshets of the intermediate time. Subsequent experience seemed to verify this, and prove that the Indian tradition was founded on correct observation. The first regular flood on record is, we believe, that of 1744; the second occurred in 1758; the third in 1772; the fourth, known as "*the great pumpkin fresh*," happened in September 1786; and the fifth took place in the spring of 1800, after a heavy rain, which continued three days and three nights and carried off a tolerably deep snow that had then recently fallen; and the sixth occurred in the month of August 1814; occasioning considerable damage along the course of the stream. Each of these floods is stated to have swelled the river to an average height of at least 6 feet above ordinary high water mark. According to the rule another should have followed in 1828, but the freshets of that year were no-wise remarkable—leaving the inference that the Indian rule of a flood every fourteen years had failed and run out. Whether this failure has been caused by the clearing of the country, the extension of agriculture, and the alteration in our climate; or whether these causes have merely extended the period; or, finally, whether the regular recurrence of the great floods was not altogether fortuitous, we shall leave for investigation and decision to those who are inclined to construct theories and to philosophize—contenting ourselves with bringing the old Indian tradition once more into remembrance, and stating the facts which served to confirm the notion that it was well founded. Perhaps the great flood of August 1817, ought to be considered as the first deviation from the regular rule, and the present freshet as the continuation of a new series—with a slight variation of time.—*Lancaster Examiner*.

From the Greenville, Mercer county, Penn. Gazette of February 15.

The late freshet has done considerable injury in this part of the country. The new bridge built last summer near David Loutzenhiser's mill, is carried off by the ice, together with the old bridge, and part of the mill dam. The new bridge near the mouth of the little Shenango, near Greenville, was torn away. John Williamson's bridge has been swept away. John Donaldson's bridge was carried off. The bridge at John Potter's, on the Big Shenango, is carried off. Andrew White's saw-mill has been swept off, and the Greenville bridge is rendered almost useless. The oldest inhabitants who have lived on the banks of the creek 28 or 30 years, have never witnessed such a freshet before. In fact, we do not know of a bridge on either of the creeks, except the bridge near Jacob Sherbondy's, and that is expected to



go, but that is swept away. The damage is truly great.

Since the above was in type, Mr. Sherbondy's bridge, and Campbell's bridge, were both swept away by the ice.

#### NEW CASTLE AND FRENCHTOWN RAIL-ROAD.

NEW CASTLE, Feb. 28.

DEAR SIR,—This morning the rail-road from New Castle to Frenchtown was opened for the conveyance of passengers. I passed over on Saturday, accompanied by four or five of the directors of the company, to whom I stand indebted for their courtesy and attention, as also the engineer in chief, with his principal assistant who were with us, and were particularly kind and attentive in pointing out and explaining objects of interest, of which there are many on this really beautiful work; it is one in which all concerned may be really proud, and particularly the inhabitants of Delaware, who first originated the idea, and who with their capital have come forward manfully to assist, even after witnessing the ruinous effect of another work under their very eyes. This road is about sixteen miles in length, and so nearly allied to a straight line, that the shortest curve (horizontal) has a radius of two miles; the verticals are almost imperceptible; being never more than sixteen feet rise and fall in a mile; in fact, I overheard persons, during the ride, inquire whether we were not descending, and was much surprised to hear that we were ascending, at the above rate; these gentle undulations have been preferred, I would suppose, to a level; indeed, from the nature of the ground. I expect on account of a superiority, as there could not be a finer location, taking all things into consideration, for a rail-road, in this or any country; parts of the road being so near a level, as to have required, apparently, but scraping and laying the rails—at the west end the greatest difficulty was experienced in cutting through a formidable hill, composed of what these rail-road folks denominated *hard pan*, a tough, viscons kind of clay; this hill has been removed, and formed into a high embankment along the shore of the Elk river, about five hundred yards in length; on the top of this the road continues, and presents to the traveller a splendid panoramic view of this noble river, and the surrounding beautiful and bountiful country; this rail-road needs but to be seen and travelled on, to attain for all engaged in it, the thanks of the community; for durability, and power of sustaining any duty that may be required of it, none will doubt for a moment, that have ever examined the construction and materials.

The Washington Grays, under the command of Captain Worrell, returning from their excursion, were brought over on it yesterday, from Frenchtown, in fine style; at New Castle they were saluted by the regular troops, stationed there, with thirteen guns, this was responded by the huzzas of the volunteers, and the music of Johnson's enlivening band.—*Extract of a letter to the Editor of the U. S. Gazette.*

#### DEFERRED ITEMS.

TOWANDA.

A Wild Cat was shot lately, about four miles west of this borough, by Charles Brown. It measured from the nose to the end of the tail, 3 feet 8 inches; height 1 foot 4 inches; girth behind the fore legs 1 foot 10 inches. This is the largest wild cat we have ever seen, and it is probable that very few as large have ever been killed in the county. The cry of the panther has been heard within a few weeks, not far from this borough.

The Bethany, Wayne county, Pa. Inquirer, says—"The largest Buck within the recollection of our oldest hunters, was shot on the 10th ult. in Lebanon township. He has attracted the attention of hunters in that neighborhood for about five years past on account of his extraordinary size, and has been repeatedly shot at, but

has hitherto escaped *shot free*. He was started on the runaway, and was greeted with a fire from two of the hunters, but (to use the language of Big-Hunter,) "Mr. William A. Shields, of Philadelphia, did the job." The deer weighed before he was dressed, *three hundred and sixty-five pounds!* When cleaned, his meat weighed 210 lbs.; tallow, 10 lbs.; hide 23 lbs. 6 oz.

A Bear about half grown was killed a short distance from this town, on Monday evening last. Bruin it appears had ventured down from his lurking places in the mountain early in the afternoon to indulge his appetite with a mess of corn, in a cornfield near town, when he was disturbed by a set of curs, which gave the alarm to some of our sporting citizens, who after pursuing him a short distance, overtook him and caused him to pay dear for his temerity.—*Mifflintown Pa. Tel.*

The Juniata Gazette says, that a gentleman of Armagh township, killed a Buck that weighed when dressed, *two hundred and seventeen pounds.*

During the year 1831, there were killed in Huntingdon county, 7 Wolves, 13 Wild Cats, and 264 Foxes, and the premiums on their scalps paid out of the county treasury.—*Muncy Tel.*

POTTSVILLE, Feb. 25.

SNOW.—Since the beginning of the first winter month, the ground in this part of the country has been unceasingly covered with snow, and the sleighing with very short intervals of interruption, uncommonly good. Visitors from a short distance below frequently express surprise on viewing the snow, from which they have been unexpectedly exempted. This winter has been remarkable for its early and uninterrupted severity throughout.—*Miner's Journal.*

We understand the ashes of the Lehigh and Schuylkill coal, answer a better purpose than any other material heretofore discovered for cleaning brass.—*Miner's Journal.*

LIBRARY COMPANY OF PHILADELPHIA.—The Philadelphia Library is about to be enriched with about five thousand five hundred volumes of rare, curious and expensive books, from the Library of Mr. James Cox, long a popular drawing master of this city. They consist of works on the fine arts in great variety and beauty, as well as books in most departments of literature, and very many of them of a description rarely or never met with in America. This collection has cost Mr. Cox a very large sum, and he now parts with it for an annuity, in order that it may not be dispersed. It is a most valuable addition to the Library as well as to the city, filling up many deficiencies in the catalogue which could not be readily supplied at the present day.

At a special meeting of the stockholders, held on Saturday, at the request of sixty-two stockholders, it was unanimously resolved to petition the Legislature for an alteration of the charter, so as to vest in the stockholders the power to fix the amount of the annual payments. Fifty-six stockholders were present, and proxies for two hundred and seventeen shares were filled.—*Nat. Gaz.*

*Shad* have been in market for several days—they now sell at 33 cents.

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# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. IX.—NO. 11. PHILADELPHIA, MARCH 17, 1832. NO. 220.

The Philadelphia society for the establishment and support of Charity Schools, have lately published a small volume, containing the following interesting piece of biography—and also an account of their school, which we shall insert hereafter.

## LIFE AND CHARACTER OF CHRISTOPHER LUDWICK.

*An account of the life and character of Christopher Ludwick, late citizen of Philadelphia, and Baker-General of the army of the United States during the revolutionary war, by Benjamin Rush, M. D. First published in the year 1801.*

There was a time, when the lives of men who occupied the first ranks in society, were the only subjects of biographical history. Happily for the world, this species of writing has descended into the humble walks of life, and embracing the characters of men of different professions and occupations, has multiplied its usefulness, by holding up practicable examples of successful talents and virtue, to those classes of people who constitute the majority of mankind.

The history of the life and character of Christopher Ludwick, is calculated to show the influence of a religious education upon moral conduct; of habits, of industry and economy, upon success in all enterprises; and to inspire hope and exertion in young men of humble employment, and scanty capital, to aspire to wealth and independence, by the only means in which they are capable of commanding respect and affording happiness.

Most of the incidents which are to compose the following memoir, were obtained from Mr. Ludwick, by a person who often visited him in the evening of his life. Such of them as were not obtained from that source, were communicated by his family, or by persons who were the witnesses of them.

CHRISTOPHER LUDWICK was born on the 17th of October, 1720, at Giessen in Hesse Darmstadt, in the circle of the Upper Rhine, in Germany. His father was a baker, in which business the son was instructed as soon as he was able to work. At fourteen years of age he was sent to a free school, where he was taught to read and write, and the common rules of arithmetic. He was carefully instructed at the same time, in the principles of the Christian religion as held by the Lutherans. Of this school he always retained a grateful remembrance, as will appear in the sequel of his life. At seventeen years of age, he enlisted as a private soldier in the army of the emperor of Germany, and bore his part in the war carried on by the Austrians against the Turks, between the years 1737 and 1740. At the close of the war in Turkey, he set off with one hundred men for Vienna. Their march was through a dreary country, and in extremely cold weather. Seventy-five of his companions perished on the way. He spent some months in Vienna. The incident that made the deepest impression on his mind while he remained in that city, was the public execution of the Commissary General of the Austrian army, for fraud and peculation.

From Vienna he went to Prague, where he endured all the distresses of a seventeen week's siege. After its

surrender to the French arms in 1741, he enlisted as a soldier in the army of the king of Prussia. Upon the return of peace, he went to London, where he entered himself as baker on board the Duke of Cumberland East Indiaman, and went to the East Indies under the command of Admiral Boscawen. He spent three years and a half in different parts of that country. In 1745 he returned to London, where he received in wages for his services one hundred and eleven guineas and an English crown.

With this sum of money in his pocket, he set off for Germany to visit his father, who he found had died during his absence in India, and had left him his whole estate, consisting of a small freehold, which he immediately sold for five hundred guilders. With this money, and part of his wages, he returned to London, where he remained several months, enjoying the pleasures of that great city. After spending his last shilling, at the places of public resort, in the neighborhood of London, he went to sea, and passed the years between 1745 and 1752 in successive voyages from London to Holland, Ireland, and the West Indies, as a common sailor. In these voyages he saved twenty-five pounds sterling, with which he bought a quantity of ready made clothes, and embarked with them for Philadelphia, where he arrived in 1753. He sold these clothes for a profit of three hundred per cent., and with the proceeds returned to London. Here he spent nine months in learning the confectionary business, and the making of gingerbread. In the year 1754, he returned to Philadelphia with a number of gingerbread prints, and immediately set up his business of family and gingerbread baker, in Lætitia court. In 1755 he married Mrs. Catharine England, a widow of worthy character, by whom he had one child, which died a few hours after its birth. From this time till the year 1774, he led a retired and industrious life, wholly devoted to his trade. He was much esteemed by all who did business with him, for his integrity and punctuality, and for his disposition to do kind offices. His neighbors treated him with so much respect, that he acquired among them the title of "The Governor of Lætitia court."

In the year 1774, he felt, with a great majority of the people of America, the impulse of that spirit of liberty, which led them to oppose, first by petitions and afterwards by arms, the attempts of Great Britain to subjugate the American colonies. He possessed at that time, nine houses in Philadelphia, a farm near Germantown, and three thousand five hundred pounds, Pennsylvania currency, at interest; all of which he staked with his life, in the scale of his country. He was elected successively, a member of all the committees and conventions, which conducted the affairs of the revolution, in Pennsylvania, in 1774, 1775 and 1776. His principles and conduct were alike firm, under the most difficult and alarming events of those memorable years. In one of the conventions of which he was a member, it was proposed by General Mifflin, to open a private subscription for purchasing fire arms. To this motion some persons objected the difficulty of obtaining, by such a measure, the sum that was required. Upon this, Mr. Ludwick rose and addressed the chair, in the following laconic speech, which he delivered in broken English, but in a loud and animated voice: "Mr. President, I am



but a poor gingerbread baker, but, put my name down for two hundred pounds." The debate was closed by this speech, and the motion was carried unanimously in the affirmative.

In the summer of 1776, he acted as a volunteer in the flying camp, but drew neither pay nor rations for his services. He animated the soldiers with the love of liberty, by his example and conversation, and often pointed out to them the degrading nature of slavery, by describing the poverty and misery of his native country under the rapacious hands of arbitrary kings and princes. Upon one occasion he heard that a number of militia soldiers, who were dissatisfied with their rations, were about to leave the camp. He went hastily to them, and in the sight of them all, fell suddenly upon his knees. This solemn and humble attitude commanded general silence and attention. "Brother soldiers," said he, "listen for one minute to Christopher Ludwick"—for in this manner he often spoke of himself. "When we hear the cry of fire in Philadelphia; on the hill at a distance from us, we fly there with our buckets to keep it from our houses. So let us keep the great fire of the British army from our town. In a few days you shall have good bread and enough of it." This speech had its desired effect. The mutinous spirit of a detachment of the militia was instantly checked. In the autumn of the campaign, eight Hessian prisoners were brought into the camp. A disagreement of opinion took place at head quarters, about the most proper place to confine them. "Let us," said Mr. Ludwick, who happened to be at head quarters, "take them to Philadelphia, and there show them our fine German churches. Let them see how our tradesmen eat good beef, drink out of silver cups every day, and ride out in chairs every afternoon; and then let us send them back to their countrymen, and they will all soon run away, and come and settle in our city and be as good whigs as any of us."

From a desire to extend the blessings of liberty and independence to his German countrymen, he once exposed his neck to the most imminent danger. He went, with the consent of the commanding officer of the flying camp, among that part of the British army, which was composed of Hessian troops: while they were encamped on Staten Island, in the character of a deserter. He opened to them, the difference between the privileges and manner of life of an American freeman, and those of a Hessian slave. He gave them the most captivating descriptions of the affluence and independence of their former countrymen in the German counties of Pennsylvania. His exertions were not in vain. They were followed by the gradual desertion of many hundred soldiers, who, now in comfortable freeholds or on valuable farms, with numerous descendants, bless the name of Christopher Ludwick. He escaped from the Hessian camp, without detection or suspicion.

In the spring of 1777, he received the following commission:

*"In Congress, May 3, 1777.*

*"Resolved, That Christopher Ludwick be, and he is hereby appointed Superintendent of Bakers, and Director of Baking in the army of the United States; and that he shall have power to engage, and by permission of the Commander in chief, or officer commanding at any principal post, all persons to be employed in this business, and to regulate their pay, making proper reports of his proceedings, and using his best endeavors to rectify all abuse in the articles of bread; that no person be permitted to exercise the trade of a baker in the said army without such license, and that he receive for his services herein, an allowance of seventy-five dollars a month, and two rations a day.*

*Extract from the minutes,*

*CHARLES THOMSON, Secretary.*

*By order of Congress,*

*JOHN HANCOCK, President.\**

When this commission was delivered to him by a committee of Congress, they proposed, that for every pound of flour, he should furnish the army with a pound of bread. "No, gentlemen," said he, "I will not accept of your commission upon any such terms; Christopher Ludwick does not want to get rich by the war; he has money enough. I will furnish one hundred and thirty-five pounds of bread for every cwt. of flour you put into my hands." The committee were strangers to the increase of weight which flour acquires by the addition of water and leaven.

From this time there were no complaints of the bad quality of bread in the army, nor was there a moment in which the movements of the army, or of any part of it, were delayed from the want of that necessary article of food. After the capitulation of Lord Cornwallis, he baked six thousand pounds of bread for his army by order of General Washington. "Let it be good," said he, "old gentleman," (the epithet which the general most commonly gave him,) "and let there be enough of it, if I should want myself."

He oftendined with the Commander in chief in large companies, and was always treated by him upon such occasions, with particular marks of attention. He frequently spent two hours at a time with him in private, in conferring upon the business of the baking department. The General appreciated his worth, and occasionally addressed him in company, as "his honest friend."

In his intercourse with the officers of the army, he was blunt, but never offensive in his manners. By common consent, he was privileged to say and do what he pleased in company. His eccentric turns of thought and expression, his pleasant anecdotes, derived from his own observation and experience in life, and above all, a general conviction of the ardor and sincerity of his patriotism, procured him at once the offer of a chair, or a seat at the dinner table wherever he went. His presence never failed to give a new direction to conversation. It inspired good humour and mirth in the most gloomy hours of the war.

He carried into the army with him a handsome china bowl, which he brought from Canton in the year 1745. It had a rim of silver around it, on which were engraved his name, and the year in which he bought it. This bowl, so remarkable for its age, was well known in the army for the toast he always gave, when he drank out of it. It was:

"Health and long life

"To Christopher Ludwick and his wife."

A few months before he died, he called upon one of his friends, and informed him that he had intended to bequeath him this China bowl, but that his will being made, he did not wish to add anything to it. He therefore begged he would accept of it, and perpetuate it in his family, for the sake of Christopher Ludwick.

"For who, to dumb forgetfulness a prey,

"This pleasing, anxious being e'er resigned,

"Left the warm precincts of the cheerful day,

"Nor cast one longing, lingering look behind."

At the close of the war, he returned and settled on his farm near Germantown. His house had been plundered of every article of furniture, plate and wearing apparel, he had left in it, by the British army on their march to Philadelphia. As he had no more cash than was sufficient to satisfy the demands of the market, he suffered a good deal from the want of many of the conveniences of life. He slept six weeks between blankets, rather than contract a single debt by replacing his sheets. He was alike averse from borrowing money; for such had always been the accommodation of his manner of living to his ready cash, that he never but once

The Philadelphia Society for the Establishment and Support of Charity Schools.

\* The original document is now in the possession of



was without as much as was equal to the necessities of life, and that was in Berlin, where he received a gratuity of two pence from a stranger, to purchase a mug of beer.

The principal part of his bonds having been paid to him in depreciated paper money, he was obliged to sell part of his real property, in order to replace his clothing and furniture.

The following certificate, which he had neatly framed and hung up in his parlour, not only reconciled him to these losses, but threw a large balance of pleasure in their favour.

"I have known Christopher Ludwick from an early period in the war, and have every reason to believe, as well from observation as information, that he has been a true and faithful servant to the public; that he has detected and exposed many impositions, which were attempted to be practised by others in his department; that he has been the cause of much saving in many respects; and that his deportment in public life, has afforded unquestionable proofs of his integrity and worth.

"With respect to his losses, I have no personal knowledge, but have often heard that he has suffered from his zeal in the cause of his country.

"GEO. WASHINGTON.\*

"April 25, 1785."

In the year 1795, Mr. Ludwick buried his wife. She was the faithful companion of his labors, and cheerfully co-operated with him in all his benevolent and patriotic schemes. Soon after her death, he converted his farm and all his houses except one, into private bonds and public stock, and removed to Philadelphia, where he boarded with Mr. Frederick Fraley, one of his former journeymen, until some time in the year 1798. During the prevalence of yellow fever in 1797, the old gentleman volunteered his services in the bake house of Mr. Fraley, to assist in making bread for distribution among the poor, in that period of awful distress. From Mr. Fraley's he removed to the only house he had retained, No. 176, North Fifth street.

In the year 1798, he married Mrs. Sophia Binder, an ancient and prudent woman who always treated him with great kindness and respect.

In the last two years of his life he was frequently indisposed; he spent the intervals of his sickness in reading his Bible and religious books, and in visiting his friends. He spoke often, and now and then pleasantly, of his approaching dissolution. Soon after the death of General Washington, he was called upon to subscribe for a copy of his life. "No," said he, "I will not, I am travelling fast to meet him, I will then hear all about it from his own mouth." On Sunday the 14th of June, 1801, he begged his wife to read a sermon to him. When she had finished it, he said, "You will never read to me again on a Sunday; before next Sunday I shall be no more." On the Monday following he was attacked with an inflammation of his breast, accompanied with a high fever. He had held his life for a year or two, by the tenure of a small and single thread; it broke on Wednesday, the 17th of the month. There appeared to be a revival of the languid powers of reason in his last illness; he ceased to speak, with a prayer upon his lips.

The event of Mr. Ludwick's death was thus noticed in the public papers:

"DIED, on the evening of the 17th inst. in the 80th year of his age, *Christopher Ludwick*, Baker General of the army of the United States during the Revolutionary war. His life was marked by a variety of incidents, which, if known, would prove interesting to every class of readers. In all the stations in which he acted, he

was distinguished for his strong natural sense, strict probity, great benevolence, and uncommon intrepidity in asserting the cause of public and private justice."

His remains were conveyed to Germantown on the ensuing Friday, followed by a number of his friends, and were interred in the Lutheran churchyard, near the relics of his first wife. A sermon suitable to the occasion was delivered by the Rev. Mr. Shaffer.

Thus closed the long and chequered life of a most singular but worthy and useful man. Of the domestic virtues of Mr. Ludwick, the surviving branches of his family are the affectionate and grateful witnesses. Of his patriotism and integrity, the testimony of General Washington, will be a lasting record. Of his liberality, there is scarcely a public institution in Philadelphia, established before his decease, that does not possess some monument. Three Africans, whom he had emancipated, proclaimed in tears over his grave, his regard to justice and the equal rights of man; while more than fifty persons who had been taught reading, writing, and arithmetic at his expense, in different schools in the city and its neighborhood, summed up the evidence of his uncommon public beneficence. His private charities were like the fires that blazed perpetually upon the Jewish altar. The principal part of his business for many years before he died, was to find out and relieve objects of distress. This was done with a delicacy and secrecy, that conferred a double pleasure and obligation. He discriminated, it is true, in the distribution of his charities. To the tippler, and drunkard, his hand was always closed; when applied to by such persons for relief, he used to say, "he had not carried packs of flour upon his back for twenty years, to help people to destroy themselves by strong drink."

The same just and charitable disposition which governed his actions in life, manifested itself in an eminent degree in his will; in which, after bequeathing various family legacies, he gives five hundred pounds, in equal shares, to the German Reformed church in Philadelphia, to the German Society, to the University of Pennsylvania, and the Lutheran church at Beggarstown, to be employed in educating poor children. To the Pennsylvania Hospital, he gives one hundred pounds for the relief of poor patients, and to the Guardians of the Poor, two hundred pounds, to be laid out in fire wood for the use of the poor in Philadelphia. The residue of his estate is then disposed of by the following bequest, viz:

"ITEM. As I have, ever since I arrived to the years of discretion, seen the benefit and advantage that arise to the community by the education and instruction of poor children, and have earnestly desired that an institution could be established in this city or liberties, for the education of poor children of all denominations gratis, without any exception to country, extraction, or religious principles of their friends or parents; and as the residue and remainder of my estate will, in my opinion, amount to upwards of three thousand pounds specie, I am willing that the same shall be my mite or contribution towards such institution, and flatter myself that many others will add and contribute to the fund for so laudable a purpose. And therefore I do will, devise, and direct that all the residue and remainder of my estate, real and personal, whatsoever and wheresoever, not hereinbefore otherwise disposed of, shall be appropriated as and towards a fund, for the schooling and educating gratis of poor children of all denominations, in the city and liberties of Philadelphia, without any exception to the country, extraction, or religious principles of their parents or friends; and for that purpose shall be vested by my executors, or the survivors or survivor of them, or the executor of such survivor, in the public funds, or placed out at an interest on good and sufficient land security, or in the purchase of well-secured ground rents; and the annual interest and income thereof, from time to time, used and applied by them my said executors and the survivors or survivor of them,

\* The original document is now in the possession of the Philadelphia Society for the Establishment and Support of Charity Schools.



and in case of all their deaths, then by the Guardians or Overseers of the Poor in the said city or liberties for the time being, and their successors, for the sole use and purpose of defraying the expense of schooling and educating such poor children of the said city or liberties, whose parents or friends cannot afford to pay for the same, without any exception as above mentioned, until an institution and free school on the liberal principles as herein above mentioned, shall be established and incorporated in the said city or liberties, when all the said residue and remainder of my estate, whether in in stock, mortgages or ground rents, and otherwise, shall vest in and be added to the fund of such charitable institution and free school, for the use and purpose of educating poor children as above mentioned forever."

If before the lapse of five years, such a school should not be established, he orders the said residue of his estate, to be divided in unequal shares among the German Lutheran, the German Reformed, the English Episcopal, the First and Second Presbyterian, the Roman Catholic, and the African churches, and the University of Pennsylvania, to be employed by them, exclusively in educating poor children. His reason for including the Roman Catholic church, in this division of his property, (he said,) was to express his gratitude for the kindness he received from some Catholic peasants, above sixty years ago, in returning half starved and naked from Turkey to Vienna.

If this attempt to rescue from the rapid oblivion of the grave, the name of a venerable and excellent citizen, has afforded any gratification to the reader, it has not failed to excite some curiosity respecting his person.

His countenance was alternately animated and contemplative. The loss of an eye by an accident during the war had broken in upon the symmetry of his features. His person was tall, and discovered to the last year of his life an erectness, which was probably first imposed upon it by the strictness of the Austrian military discipline.

It is not intended by this humble tribute to the talents and worth of Mr. Ludwick, to insinuate that his character was perfect. Strong and luxuriant virtues sometimes create a shade, which invites the growth of human weaknesses. Mr. Ludwick's only faults were in his temper; which was like a stream of water, that now and then appears turbid from a sudden shower of rain, but in a few hours resumes its natural clearness, and pours fertility and verdure upon the adjacent fields.

The incidents which have been related of the life and character of Mr. Ludwick, are replete with instruction to the statesman, the citizen, the moralist and the divine. They suggest many reflections: the following are a few of the most obvious.

1. The benefit of free schools: without the advantages Mr. Ludwick derived from one of them, he might have passed through life in obscurity, or ended his days prematurely, from the operation of vices which are the results of a defect of education. It was from a grateful sense of the usefulness of the knowledge he acquired in a free school, that he took so much pains during his life, and in his will, to render that degree of knowledge more general, by educating the children of the poor people. The greatest favour that can be conferred upon a poor child, is to give him the knowledge of letters and figures. It is equal to imparting to him a sixth sense.

2. The wealth and independence which were acquired by Mr. Ludwick, forcibly exemplify the benefits of regular industry and economy in a mechanical employment. Could the aggregate product of labor in agriculture and the mechanical arts, be compared with the product of commerce and speculation under the equal circumstances in Pennsylvania, the balance would be greatly in favour of the former. This balance would be derived chiefly from economy which is connected with labour.

3. In every stage and situation of life, Mr. Ludwick

appeared to be, more or less, under the influence of the doctrines and precepts of Christianity. Part of this influence, it has been said, was derived from his education. But it was much increased by the following circumstance: His father inherited from his grandfather, a piece of silver of the size of a French crown, on one side of which was marked in bass relief, a representation of John baptizing our Saviour, with the following words in its exergue, in the German language. "The blood of Christ cleanseth from all sin." 1 John i. 7. On the other side, was the representation of a new born infant, lying in an open field, with the following words in its exergue: "I said unto thee when thou wast in thy blood, live." Ezekiel xvi. 6. This piece of silver Mr. Ludwick carried in his pocket, in all his voyages and travels in Europe, Asia and America. It was closely associated in his mind, with the respect and affection he bore for his ancestors, and with a belief of his interest in the blessings of the Gospel. In looking at it in all his difficulties and dangers, he found animation and courage. In order to insure its safety and perpetuity, he had it fixed a few years ago in the lid of a silver tankard, in the front of which he had engraved the following device, a Bible, a plough and a sword; and under it the following motto: "May the religion, industry and courage of a German parent, be the inheritance of his issue."

4. "If men were to record all their escapes from death," says a sensible writer, "they would find as many proofs of divine interposition in favour of their lives, as are recorded in the history of the life of Joseph." It is impossible to review the numerous causes of death to which Mr. Ludwick was exposed, from battles, famine, the casualties of a sailor's life, vicissitudes and heat of climates, an enemy's camp, and yellow fevers, and his wonderful preservation from death for eighty years, and not acknowledge that a particular providence presides over the lives and affairs of men.

The following epitaph is inscribed on the tombstone of Mr. Ludwick, in the grave-yard of the Lutheran church at Germantown.

**IN MEMORY OF  
CHRISTOPHER LUDWICK,  
AND OF HIS WIFE  
CATHARINE,**

She died at Germantown the 21st September, 1796,  
Aged eighty years and five months;  
He died at Philadelphia the 17th June, 1801,  
Aged eighty years and nine months.

He was born at Giessen in Hesse D'Armstadt in Germany,  
And learned the Baker's trade and business;  
In his early life he was a Soldier and a Sailor, and visited  
the East and West Indies;

In the year 1775, he came to and settled at Philadelphia,  
And by his industry at his trade and business,  
Acquired a handsome competency, part of which he  
Devoted to the service of his adopted country

In the contest for the INDEPENDENCE OF  
AMERICA;

Was appointed Baker General to the army,  
And for his faithful services received a written testimony  
From the Commander in Chief

GENERAL WASHINGTON.

On every occasion his zeal for the relief of the oppressed  
Was manifest; and by his last will,

He bequeathed the greater part of his estate for the  
Education of children of the poor of all denominations  
gratis.

He lived and died

Respected for his integrity and public spirit,  
By all who knew him.

Reader, such was LUDWICK.

Art thou poor, Venerate his character.  
Art thou rich, Imitate his example.



## UNION CANAL LOTTERY.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

*The Memorial of ARCHIBALD MINTYRE, of the firm of Yales and McIntyre, a Citizen of the State of New York, Respectfully sheweth:*

That your memorialist is the assignee of the Lottery privileges, vested in the Union Canal Company of Pennsylvania, by virtue of a contract entered into between the said company and him, on the 26th day of September, 1831; which contract will terminate on the 31st day of December, 1833.

Your memorialist will briefly advert to the circumstances connected with his relation to the company.

The first contract was made October 27, 1821, and continued during three years. So far from its yielding large profits, it resulted in a loss of about TWENTY THOUSAND DOLLARS.

The second contract, on more favorable terms, was made on the 24th of October, 1824, and continued till the 31st of December, 1829. During this contract, in January, 1828, an enquiry was had before the committee of ways and means. The Union Canal Company and your memorialist were heard, and a report was made sanctioning and confirming the rights of the company, and affirming the validity of the contract. This contract expired.

The third contract was made on the 21st of September, 1829, and continued until the 31st of December last. During its continuance, in the years 1830 and 1831, investigations were had before the committees of ways and means of those years. These committees sustained the rights of the company and of your memorialist.

The last session of the legislature terminated, and no step had been taken to purchase the lottery privileges of the company. The committee of ways and means had reported in the alternative, that this must be done, or the lotteries must continue. No other fund in fact existed, out of which to discharge the interest guaranteed by the state. The legislature thus seemed to invite a new contract, and accordingly the existing one was made in September last.

It, as well as the preceding ones, was made to continue only during two years. For a shorter time it was not consistent with the interest of your memorialist to make those arrangements, which the conducting of a business so hazardous required. In making the time thus short, he had reference to the possible wish of the Commonwealth, to extinguish by purchase, the lottery privileges of the Company.

Notwithstanding the conjectural estimates which have been made of the profits of your memorialist, he solemnly avers that the *net profits of Yales and McIntyre, fell short, during the last year, of the sum (\$30,000,) actually paid by them, on their contract to the Company: and that this profit is liable to be still further reduced by bad debts, as the sales of tickets are generally on credit.*

In making these contracts, your memorialist was induced by the various acts of Assembly, representing this as a great work, worthy of public encouragement. He came to Pennsylvania; took advice of eminent professional gentlemen, and made his contracts: since that time, so far from having any reason to question their validity, he has been confirmed, by a series of Legislative reports, amounting to little less than the express sanction of an act of Assembly, in the belief that they rested on the surest foundation, the faith of this Commonwealth.

As several questions have been raised on the construction of the laws conferring lottery privileges on the Union Canal Company, your memorialist will submit the authority by which he has been guided in forming his opinions.

The first question is, whether the acts of the 2d of April, 1811, and the 26th of March, 1821, gave the Company two separate grants of the privilege of raising

money by way of lottery. Your memorialist here begs leave to refer to an opinion given by HORACE BINNEY, Esq., January 5, 1827, a copy of which is annexed hereto. In the accounts of the Company, the money received under the last grant has, from the beginning, been so stated. The grant made by the act of 1811, has been pledged to loan holder and old stockholders; and your memorialist is informed that a suit is now pending, and ready for argument in the Supreme Court, which will judicially put a construction on the meaning of the acts of Assembly on this subject.

A second question has been raised, as to the right of the Company to borrow money, and to pledge the tolls, without interfering with the guarantee of the state. For this point your memorialists begs to refer to the annexed opinion, given September 15, 1826, by HORACE BINNEY and JOHN SERGEANT, Esq's.

A third question is, what is the true meaning of the terms "raise money by way of lottery." Your memorialist here refers to the annexed opinion, given by Messrs. Binney, Sergeant, and Biddle, whose advice he procured before entering on the drawing of any schemes under his present contract. The grant was one of a certain sum; it was a bounty; its application was directed; and it was a fund authorized to be pledged. The act of 26th March, 1821, would seem clearly to express the meaning of the Legislature. By that act the company is authorized during twenty-five years, "to raise by way of lottery any sums that may be wanted for the purpose of paying to the holders of said stock, the six per cent. as aforesaid." The sum raised then was the sum wanted to pay the interest. This sum could be no other than that paid to the Company for that purpose, and could have no reference to the profits or losses of your memorialist. At the time of the passage of the act of 1821, it was a fact in the knowledge of the Legislature, officially communicated to them, that from the passage of the act of 1811, down to that time, no money had been raised in any other manner than by the sale of the privilege.

Your memorialist has submitted these considerations to your honorable bodies, with the highest respect for their wisdom and justice. He has been guilty of no concealment, no impositions, no artifice. All his acts have been public. No scheme of a lottery has been drawn, that was not first published throughout the state, and in every daily newspaper in Philadelphia—and, with the sanction of a commission from the Governor.

Your memorialist sets up no new construction of the laws; he only asks that that construction which has been received, and acted under from the passage of the said laws down to this day; which has received Legislative sanction repeatedly, and on the faith of which he has confided, may not now, by a novel interpretation be disturbed.

Any interference with the enjoyment of the privileges purchased by your memorialist, would be highly injurious to him. His business is a hazardous one, and subject to great and numerous expenses. His profits, notwithstanding the enormously extravagant calculations which have been made, are moderate. No estimate of the extent of his sales can be formed, from the nominal amount of the schemes. At a fair average, not more than one-fourth of the tickets are sold, and of this fourth a considerable proportion is in other states where the sale of foreign tickets is not prohibited. Tickets are invariably sold to dealers at the scheme price. The risk of the tickets on hand, which certainly cannot affect the morals of the community, the managers incur. The credits to the venders are large. Suddenly to throw them out of business, could not fail to add heavily to the amount of bad debts. In fine, all the agents have been appointed—all the engagements, leases and liabilities entered into with a reference to the continuation of the contract till the thirty-first day of December, 1833.

Your memorialist prays that no law may be passed,



depriving him of the benefit of a contract thus made in good faith. And he will ever pray.

ARCH'D. M'INTYKE.

February 20, 1832.

OPINION OF HORACE BINNEY, Esq.

The power granted by the Legislature of Pennsylvania to the Union Canal Company to raise money by lotteries, stands as I conceive upon the following footing:

The Act of 17th April, 1795, empowered the President and Managers of the two companies then existing, to raise the sum of 400,000 dollars, to be applied in different proportions to their respective works. This was a bounty to those corporations, to enable them to carry on their works—in effect a donation from the state—without any right in the Companies to treat it as capital stock, or indeed any thing but a gift.

The act of 4th March, 1807, authorized the two companies to raise their respective proportions of the above grant separately; and in this act the description of a *bounty* is again given to the money to be thus raised, and the object of it defined to be, to enable the corporation to put their tolls as low as possible. The act of incorporation of the Union Canal Company, passed the 2d April, 1811, gives power to the Company to raise what it terms the *residue* of the original sum not exceeding 340,000 dollars, and repeats the description of the previous act, that it is a bounty to enable the corporation to make the tolls as low as possible. It expressly empowers the Company to raise by loan such sums of money as from time to time they may find expedient for the completion of their objects, upon the credit of their capital stock, including the nett proceeds and avails of the lotteries thereby authorized, and for the fulfilment of the terms and conditions of the loans to mortgage any part or the whole of their property, tolls, profits or estates whatsoever. And finally, to make this grant effectual, it punishes the sale of foreign lottery tickets, by a fine payable to the corporation.

Thus far these acts speak a consistent language upon the subject of the lottery: the power of thus raising money, and the money when raised, are a *bounty* from the state to the corporation,—a *property* which they are authorized to mortgage, and upon the credit of which they are entitled to borrow money for completing the objects of their incorporation. The grant was in its nature indefeasible: the Legislature were bound to respect it as much as any other grant in the charter.

The supplementary act of 29th March, 1819, after authorizing the subscription of 2500 shares, pledges the avails and nett proceeds of the lottery to the payment of an annual interest of six per cent. upon all shares so subscribed, and after 2500 shares shall be so subscribed, then upon former shares also; and after paying this interest, the excess is directed to go *into the capital stock of the Company*, and be invested, if not wanted to complete the works, in the funds of the United States, or other safe and productive fund, and the Company are authorized to make dividends on the interest arising therefrom.

This subscription did not take effect. But it is impossible to avoid seeing, that what is done by the lottery fund by the 3d and 9th sections of this act, is the result of the position taken by the Legislature in the preamble to the 7th section, namely, that these *may be considered as public monies*: yet that they were public monies in any other sense, than that in which all monies are which are destined to public improvement by corporations or individuals, there is nothing to warrant in any preceding act of Assembly.

The act for the improvement of the state, passed the 26th March, 1821, puts this subject upon a different footing. Whenever 2500 shares are subscribed by individuals, according to the former act, the Governor is

authorized to subscribe 250 on behalf of the state; and if the proceeds of the lottery granted to the Union Canal Company, together with the tolls, shall not for twenty-five years yield a sum equal to an annual interest of 6 per cent. on all sums not exceeding 450,000 dollars subscribed by new subscribers, the Governor shall draw his warrant on the treasury for the deficiency. And in order to avoid all disability of the Company to pay such interest, so much of the 3d section of the former act, as pledges any portion of the avails of the lottery to the holders of former shares for the payment of interest, is *suspended until the canal shall be completed*; and the President and Managers are authorized to continue during the said term of 25 years, to raise, by way of lottery, *any sums* that may be wanted for the purpose of paying the holders of said stock, six per cent. as aforesaid: Provided, that whenever the nett proceeds of the tolls shall amount to six per cent. the privilege granted by this act of raising money by lottery shall, during such time, *be suspended, except so far as is authorized by existing laws*.

This act is certainly not clear. Such an interpretation, however, ought to be given to it as is consistent with the faith of the Legislature, pledged in several of the preceding acts, and also with certain of its own provisions, about the meaning of which, there cannot be any reasonable doubt.

There is nothing in this act to interfere with the control of the Company over the former lottery grant, as a *bounty*, or as a resource to be pledged for loans, except the *implied* pledge of it for interest on the new stock; but if this implication is unjust to the Company, unless it be understood to be subject to their control, according to former acts,—if the provision made by this act for interest on the new stock is sufficient without such implication; and, above all, if there be any clear expressions in the act which suppose the continuance of the former lottery grant for purposes distinct from the provision of the interest on new stock,—then I conceive the implication is to be wholly rejected, as not having been in contemplation of the Legislature.

After a careful examination of all the acts on this subject, I am of opinion, that all the circumstances above mentioned, exist in the act of 1821, and concur to show that the lottery fund or grant of former acts remains under the control of the Company, to use for the purposes of their work, by pledging it for loans or the like. 1. It is unjust to the Company unless it is so understood. The grant was, it is true, a voluntary gift by the Commonwealth; but such a gift is as much matter of contract as a grant upon valuable consideration. Such *stockholders* as acquired their shares *after the date of the laws* which conferred it, such also as *preserved their shares from forfeiture, by paying the required instalments*, and even the new stockholders who, after the twenty-five years, are to trust to the general resources of the Company; may all be considered as having parted with their money upon the faith of its application to their use. The charter of a corporation is in many instances nothing more itself than a free gift by the Commonwealth; this, however, has never been held to give a right to the public to resume the gift, or to apply it in any way foreign to the original purpose. When given by the Legislature, it was of course parted with by the public, and received by the Company. The money raised, or to be raised by it, could in no just sense be termed public money. It was private property, destined to an improvement of great public use; and this was the case with all the money subscribed by the stockholders. *To take this money from the great mass of stockholders and to give it to new subscribers exclusively, ought not to be imputed to the Legislature*, unless it is clearly expressed, and I can find no expressions to that effect which are not countervailed by others still clearer.

2. The provision made by the act of 1821, for the payments of interest on the new stock is sufficient



without such implication. The act in terms authorizes the Company "to continue, during the term of twenty-five years, to raise, by way of lottery, any sums that may be wanted for the purpose of paying to the holders of said stock the six per cent. as aforesaid." Here is a new and unlimited power to raise money by lottery for this specific purpose.

3. There are clear expressions in the act which suppose the continuation of the former lottery grant for purposes distinct from the provision of interest upon the new stock:—

The *first* of these expressions is that which provides—that in order to avoid, as far as possible, all disability "to pay such interest, so much of the third section of the act aforesaid as pledges any portion of the avails or nett proceeds of the lottery aforesaid, to the payment of an annual interest to the holders of shares not forfeited in the late Delaware and Schuylkill, and Schuylkill and Susquehanna Company be, and the same is hereby *suspended* until the canal shall be completed." The word *suspended*, is of great influence on this question. That pledge is not *repealed* or *extinguished*, but on the contrary is left *in force*, the exercise of it being merely *deferred to a future day*. Now it will follow that if the old lottery grant is used, or consumed for the interest on the new stock, the former pledge is effectually destroyed; whereas to bring the new power into operation for the interest on the new stock, is properly a suspension of the pledge, to meet which the old power may be resorted to on the completion of the canal.

The second expression referred to, is the proviso "that whenever the nett proceeds of the tolls shall amount to the said six per cent. the privilege hereby granted of raising money by lottery shall, during such time be suspended, *except so far as is authorized by existing laws*." It follows from this language necessarily, that the Legislature contemplated the exercise of the new lottery power, before the old one was consumed; for if the old power was to be first used and exhausted before the new power could be exercised, the exception is useless—there could not be under such a construction any lottery power in the Company at the time of such suspension, by the laws existing at the date of the act of 1821. But if the new power was to be used for the purpose of paying the interest, then the exception was reasonable, because the suspension of the new power, ought not to interfere with the exercise of a power previously given. The reservation of the excess of any money raised by lottery beyond the said six per cent., and which is found in the same proviso, fortifies this construction. Had the former lottery power been regarded as a resource for paying the interest, then doubtless the Legislature would have directed a reservation of its surplus monies to meet a deficiency. But the reservation is only of the monies arising from "*said lottery*," the antecedent to which is, "*the privilege hereby granted of raising money by lottery*;" so that the reservation is of the surplus monies raised under the act of 1821.

These views of the act last mentioned, may perhaps induce the opinion that the bearing of its different provisions have not been critically observed in penning the act; but it cannot be doubted, I think, that the interpretation adverted to by me, and which is in conformity with all that the Company have done and communicated to the Legislature since the date of that act, is the best and most reasonable.

This has in some respects the weight of a contemporary interpretation; and when it is remarked, that the insertion of a single line would have made the contrary interpretation obvious, as for instance saying "that the new power should not be used until the old power was exhausted," the absence of such a clause, implies the absence of that intention.

The meaning to be deduced from this act, then at once, reasonable and consistent with former laws, is this: that the old power of raising what in the act of

1811, is termed the residue of the original sum not exceeding 340,000 dollars, is left to the Company as a bounty, and as a property to be pledged for loans, as I am told it heretofore has been under the advice of counsel;—and a new power is given to raise, during the twenty-five years, as much as with the nett tolls shall pay six per cent. per annum on the new stock: if the tolls at any time during that period shall be sufficient for this purpose, then the new power should be suspended; but nothing should interfere with the exercise of the old power under existing laws.

This interpretation is just to the Company, and nothing more than just. It leaves them in possession of vested rights under former acts, and it limits the exercise of the new power given by the Legislature, to that necessity which the Legislature has itself created, of paying an interest to certain stockholders, instead of leaving all stockholders to dividends derived from the tolls. The interpretation favours moreover the great object; for without a fund to pay interest on loans, loans could not be made, and consequently, the work could not be completed. If it should be asked, why has the Legislature suspended the payment of interest on the old stock, if it did not mean the old lottery fund to be otherwise applied? I answer that there is a sufficient reason for the suspension, in the danger both to the public and to the profit of the lotteries, by requiring too large a sum to be raised from them in the year; and that there is no reason upon the construction adverted to, for calling that a *suspension*, which was by the same construction a gradual *destruction*.

January 5, 1827.

#### COPY OF AN OPINION OF JOHN SERGEANT AND HORACE BINNEY, ESQ'S.

The President and Managers of the Union Canal Company have desired our opinion upon the question, whether in making loans under the authority given to them by law, they are authorized to mortgage the tolls of the Canal to the lenders, as security for the money borrowed, and the interest that may accrue upon it—or whether there is any existing pledge of the tolls, or other incumbrance upon them, which would have a priority to the lenders, and thus take away or diminish their security?

To this question we answer as follows:—The authority to raise money by way of loan, and to mortgage the tolls, among others things, for the fulfilment of the terms and conditions of such loan, is expressly given by the 26th section of the act of the 2d April, 1811. This authority is *not* repealed or taken away, in terms, by any subsequent act. It therefore remains in force, unless there be some provision inconsistent with it in subsequent acts, which by making a different disposition of the tolls, amounts to a virtual repeal. After examining carefully the several acts passed on the subject since the year 1811, we find no such provision. The act of 1821, it is true, does contain a clause which at first view might seem, perhaps, to have this effect. The words are these, "Provided that whenever the nett proceeds of the tolls shall amount to the said six per cent." (meaning the six per cent. upon stock,) "the privilege hereby granted of raising money by lottery shall, during such time be suspended, except so far as is authorized by existing laws, &c." But we are clearly of opinion that neither this clause nor any other in the act, can be so construed. For in the first place, the words used by the Legislature are not "when the tolls shall amount," "but when the nett proceeds of the tolls shall amount." By "nett proceeds," we understand the clear revenue from tolls after paying all charges to which they may be made subject under existing laws, including, of course, mortgages for loans. But in the next place, we would remark, that by this act the tolls are not pledged either to the state or to the subscribers to the stock of the Company. Their amount is only made a condition up-



on which the enjoyment of the new lottery right granted by this act is made to depend, which cannot be construed to take away or impair the pre-existing power to mortgage for the purpose of obtaining loans. This power to borrow, is indeed so essentially necessary for the interest of all concerned, the old stockholders, the new stockholders, and the commonwealth, that it is not to be supposed the Legislature would interfere with it, or render its exercise more difficult or disadvantageous. There can be no tolls till the Canal is completed, and its completion might be impossible without the aid of loans.

We are therefore of opinion, that the President and Managers have the power to mortgage the tolls as security for loans, and that there is no existing pledge of the tolls or incumbrance upon them, (except mortgages for prior loans if any,) which will have a priority to the lenders, or impair their security.

Signed, JOHN SERGEANT,  
HORACE BINNEY.

Philadelphia, Sept. 15, 1826.

#### CASE.

A Report recently made to a meeting of citizens upon the subject of the Lottery grants to the Union Canal Company, appears to bring into question the validity of Lotteries now drawing under the authority of that Company, and consequently to affect the contract made by the Company with Archibald McIntyre, who is represented by the subscribers. You are therefore requested to give your opinion upon the following points arising out of that report.

1. Is the authority granted to the Company by the act of 26th March, 1821, to raise by way of lottery, any sums that may be wanted for the purpose of paying to the holders of the new stock an annual interest of six per cent. an authority that can be exercised only after the power to raise money under the act of 2d April, 1811, has been exhausted for the same purpose; or may the authority given by the act of 1821, be exercised for the purpose of paying that interest, while the power given by the act of 1811, is at the same time exercised for other purposes of the company, or postponed to a future time to raise the residue of the sum authorized by that act?

It may be remarked, that if the power given by the two acts are concurrent, and that given by the act of 1821, is not, as the report supposes, a mere supplement to the previous power, to be used when the previous power shall have been exhausted, it follows that the balance of 203,750 dollars, which the company on the second of April, 1821, was still entitled to raise by virtue of the act of 1811, remains at present to be raised as the company shall direct or authorize; whereas if the power derived from the last mentioned act must be first exhausted before that under the act of 1821 can be used, then, as the amount raised since the 2nd of April, 1821, is more than 203,750 dollars, it is alledged, that the grant under the act of 1811 is now at an end, and that the lottery power of the company is confined to raising so much money as the tolls of the canal may fall short of the interest on the new stock.

2d. Is the authority of the company under the act of 1821, confined to raising by way of lottery, within the year, the money wanted for the purpose of paying the interest due in that year; or, have they a reasonable discretion as to the time or times of raising what the probable state of the tolls for some time to come may render necessary?

3d. In estimating the amount raised by the company under the lottery grants, are they to be charged with what they have bona fide received for the privilege of drawing lotteries; or are they chargeable with the nominal amount of deduction from prizes, generally fixed at 15 per cent., or with the actual profit made by the Managers of the lotteries, be it more or less?

In connexion with this inquiry it is proper to state,

that under the act of 1811, the Union Canal Company have never drawn a lottery at their own risk. They have sometimes for a certain per centage sold and assigned the right of drawing a lottery of given amount, according to a particular scheme or plan; and at other times they have sold for certain sums, the right of drawing lotteries for a term of time according to schemes to be approved by them.

In a report made to the Legislature by the Company on the 3d of February, 1819, the amount received from time to time by these sales was communicated, and the different contracts before that date stated; so that it was manifest, that the Company had not in any instance after 1811, taken the risk of a lottery upon themselves, nor debited themselves with the 15 per cent. usually deducted from prizes. It was after this report that the act of 29th March, 1819, was passed, in the 3d and 9th sections of which, these receipts by the Company are referred to under the description of "*avails and nett proceeds*" of the lottery; and the very funds derived from them, and then, on hand, were recognized by the 12th section of the act and directed to be vested in some safe and productive fund for the Company.

Since that report, the company have from time to time reported to the Legislature the sums received by them under their different contracts with A. McIntyre, so that the character of these receipts has been distinctly made known. At no time have they been questioned by the Legislature; on the contrary, after examination of the circumstances attending them, they have been reported by committees of the House of Representatives without an objection.

It may be proper further to remark, that the fifteen per cent. usually deducted from the prizes, is a very imperfect index of the amount raised by a lottery. It would not be a proper one even if all the tickets in a scheme were sold, for there are charges and expenses, numerous and heavy, bad debts, &c., which must be set against this per centage. But the non-sale of a large portion of tickets, which is an invariable and unavoidable attendant of lotteries, necessarily involves the proprietor of a lottery in the hazard or chances of a scheme, by which he may lose an amount equal to, or greater than the whole deduction. The risks of a lottery which are thus adverted to, if thrown upon the company, might put in jeopardy not only the value of the grant, but in the end, the Canal itself, which the grant was intended to promote. There cannot, therefore, be assigned any good reason for believing that the Legislature intended that these risks should be borne by the Company, as the very condition of the grant. It is more reasonable to suppose, that they meant to give them the power of raising money without risk; and yet it may be demonstrated, that no money can be certainly and effectually raised by way of lottery, (unless by receiving a sum certain for the privilege of drawing it,) without, at the same time, encountering risks which may involve the proprietor in loss, instead of raising any thing. The exaggerated statement of profits which the report before referred to, assigns to the managers, requires no other comment than this, that it has happened in the course of their contracts with the Company, that the present managers have frequently lost upon a single scheme more than the whole amount paid to the Company for the privilege of drawing it. If the Company receive \$10,000 from a lottery, nominally competent to raise \$30,000, and give the chance of \$20,000 to the manager on the condition of his paying all expenses, taking all trouble and running all risk of debts as well as of the drawing; the \$10,000, if it be a fair and bona fide consideration of the sale, subject to the charges and risks, is in truth, all that the lottery raises. It is the *nett proceeds* of the lottery. If any more is raised, it is raised by the managers adventuring in the lottery, as the holders of unsold tickets; or, it is fairly applicable as a part of the gross proceeds of the lottery to the charges,



expenses, labor, and losses, unavoidably incident to the operation.

You will please to take these remarks into consideration, in connexion with the fact, that the practice of the Company was known to the Legislature before the act of 1819, and constantly since.

4th. If the Company are chargeable under the lottery grants only with the amounts bona fide received by them for the different schemes, does it or does it not follow, that whatever the assignees may have made or lost, that circumstance does not affect the validity of their contract with the Company?

The importance of sustaining our contracts and of counteracting the influence of a report, which so far as it regards most of the facts stated, we know to be inaccurate, has induced us to ask your opinion on the foregoing inquiries in point of law.

If our apprehensions of them shall be confirmed by your opinion, we trust that the probity of this community will not countenance an assault upon our legal rights, derived from, and sanctioned by the Legislature of this Commonwealth.

YATES & M'INTYRE.

HORACE BINNEY,  
JOHN SERGEANT,  
JAMES C. BIDDLE, } Esquires.  
Philadelphia, Dec. 24, 1831.

#### OPINION.

We have deliberately considered this case, and are of the following opinion:

1. That the lottery grant under the act of 1821, is not merely supplementary, but is a grant of the power to raise any sums that may be wanted to pay the interest on the new stock, concurrently, if the Company think proper, with the balance of \$340,000 authorized to be raised by the act of 1811; and not only after that balance has been raised and expended upon the interest. Although the act of 1821 is by no means clear, we think certain of its provisions decidedly sustain this interpretation, particularly that clause which suspends the right to raise money under the act of 1821, whenever the nett proceeds of the tolls shall amount to 6 per cent. per annum, with an express saving of the right, *under existing laws*. If the grant under the act of 1821 was not to come into operation, until the grant by former laws had been exhausted, this saving would be inoperative. We think also that this interpretation is sustained with equal effect by another provision, which professes merely to *suspend* a previous pledge of the lottery grant for the benefit of the old stockholders, until the canal should be finished. If the grants were not meant to be cumulative, then an intention is imputed to the Legislature, to destroy this pledge: and the facts stated show that it has already been *destroyed*, instead of being suspended: and destroyed just at the time when, by finishing the canal, the act declares that the suspension shall terminate. The good faith of the state moreover appears to consist better with this than with any other construction of the act. The lottery grant of 1811 was not merely a bounty to the Company generally, in which sense it was as irrevocable as a grant for a valuable consideration; but the Company were expressly authorized to mortgage it as a security for loans. This authority has not been revoked. No such revocation is to be found either in the language or the plain meaning of any subsequent act. The power has been exercised, and lenders to the Company to a large amount, now rest in part upon that security. Without such clear expressions as would make a different interpretation wholly inadmissible, it appears to us against the good faith of the Commonwealth, to impute the intention of destroying the uses of the old grant to the lenders, by applying it in the shape of interest to the new stockholders.

2. That a reasonable discretion as to the amounts to be raised, and the time of raising them, under the act of 1821, exist in the Company. It cannot have been in-

tended that they should defer raising money to pay the interest until the tolls were proved to have been insufficient, and the interest had already accrued. A reasonable provision in anticipation of the probable deficiency of the tolls, and to the extent of it, must have been intended by the act. No other course is reconcilable with prudence, or the usual method of conducting similar operations. In our opinion, the Company are not bound to raise what is necessary within the year. The language of the act is an express warrant for this construction. The Company are required to reserve *any excess of the sum raised over the 6 per cent.*, to meet a future deficiency, and not to divide it; it is consequently no violation of the law to raise an excess, if there is a reasonable probability that it will be required in future.

3. The facts stated under the third inquiry, furnish a strong ground for giving such an interpretation to the acts of 1811, 1819, and 1821, as will charge the Company only with the price by them received for the lottery privilege. Contemporaneous construction seems entirely to favour it: and there are intrinsic difficulties in the way of a charge on any other principle. The money paid to the Company has undoubtedly been referred to in the act of 1819, as the *nett proceeds* of the lottery; and the nett proceeds are all that can be equitably charged. The amount received by the Managers, under the deduction of 15 per cent. are the *gross* proceeds, against which all the expenses of the lottery, all the charges of the agency, and bad debts, are to be placed; and the fate of unsold tickets also, if any remain unsold. The uncertainty of any rule of charge except that adopted by the Company, induced the Legislature to receive it as a reasonable one, and at this time of day we think it inadmissible to disturb it, by resorting to a strict interpretation.

4. We are clearly of opinion, that the amount made or lost by the assignees is a matter of no consequence. If they were ruined by the lotteries, the Company would still be chargeable under the lottery grants with the sums received by them. If the Company are chargeable with these receipts only, then the lottery grants not being exhausted, the existing contracts for raising further sums are valid: and if the first lottery grant is exhausted, which we have already said, we do not think, then the right to raise money for the interest on the new stock would give validity to these contracts.

HOR. BINNEY,  
JOHN SERGEANT,  
JAMES C. BIDDLE.

Philadelphia, Dec. 24, 1831.

The following law possesses considerable interest for this city.

#### DELAWARE AND RARITAN CANAL,

AND THE

#### CAMDEN AND AMBOY RAIL ROAD.

[Last week we published the Bill relative to the Camden and Amboy Rail-road, as it was first presented to the Assembly. Below it will be found as amended in the house, and as it passed both houses of the Legislature.]—N. J. State Gaz.

A SUPPLEMENT to an act entitled "An Act relative to the Delaware and Raritan Canal, and the Camden and Amboy Rail-road and Transportation Companies."

Sec. 1. BE IT ENACTED, &c. That it shall and may be lawful for the said Delaware and Raritan Canal, and the Camden and Amboy Rail-road and Transportation Companies, to transfer to this state, one thousand shares of the joint capital stock of the said companies, upon which all the instalments shall be paid by the said companies, so that neither, at the time of the said transfer, or at any time thereafter, the payment of any money thereon or therefor, shall be required from the state;



a certificate of which stock shall be held by the Treasurer of this state, for the use of the state; and all dividends of the company be declared and payable thereon, as if the state had subscribed for such stock, and paid the several instalments thereon.

Sec. 2. *And be it enacted*, That it shall not be lawful, at any time during the said Rail-road charter to construct any other rail-road or rail-roads in this state, without the consent of the said companies, which shall be intended or used for the transportation of passengers or merchandize between the cities of New York and Philadelphia, or to compete in business with the rail-road authorized by the act to which this supplement is relative. *Provided always*, That nothing in this act shall be so construed as to prevent the construction of a rail-road from the city of New Brunswick to the Hudson river, or any lateral road that may be hereafter authorized by an act of the legislature, from a suitable point or points, intersecting said road, to be designated and agreed upon by the said companies; or any lateral road or roads, not intended or used for the purpose or competition as aforesaid.

Sec. 3. *And be it enacted*, That if within one year from the time that the said rail-road from Bordentown to Amboy, is so far completed that passengers and merchandize be transported thereon, the transit duty reserved by the acts incorporating said companies, and the dividends on the stock hereby authorized to be transferred, shall not amount to thirty thousand dollars, it shall be the duty of the said companies to pay such deficiency to the treasurer of this state, out of the joint funds of the said companies, before any dividend is made to the stockholders, and that each and every year thereafter, such deficiency, if any shall exist, shall be paid by the said companies, so as to secure to the state the aforesaid sum of thirty thousand dollars, at least, in each and every year during said charter.

Sec. 4. *And be it enacted*, That in declaring and making dividends of the nett profits, the president and directors of the said companies, shall declare and divide the whole of the actual nett profits accruing to the time of such dividend, retaining only such surplus funds as may be deemed requisite to meet unexpected and extraordinary damages to the works respectively, which surplus funds shall in no case exceed, in the whole, the sum of one hundred thousand dollars.

Sec. 5. *And be it enacted*, That the state shall be entitled to the appointment of one director to represent the said stock; but that no vote shall be given for said stock at any elections of the stockholders.

Sec. 6. *And be it enacted*, That it shall be the duty of the said companies, to construct a lateral rail-road from a suitable point on said road, at or west of the village of Spottswood, to a suitable point or points, in the city of New Brunswick, to be determined upon by the said companies, by and with the assent of the corporation of said city, in the construction and use of which said road, the said companies shall be entitled to all the powers, privileges, and subject to all the conditions and limitations contained in the act incorporating said rail-road company, and which said lateral road shall be completed as soon as any rail-road be made from the said city of New Brunswick to the Hudson river: *Provided always*, that the said companies shall not charge more than two dollars and fifty cents for each and every passenger carried thereon, from and to the cities of New Brunswick and Philadelphia.

Sec. 7. *And be it enacted*, That the assent of a majority of the stockholders of the said companies to the provisions of this act, in writing, shall be submitted to and approved by the Governor of this state, or the person administering the government of the same, and filed in the office of the Secretary of this state, within forty days after the passing of this act, or this act shall be void.

Sec. 8. *And be it enacted*, That the twenty-third section of the act incorporating the said Delaware and Ra-

ritan Canal Company be, and the same is hereby repealed.\*

From the Philadelphia Gazette.

## PROCEEDINGS OF COUNCILS.

Thursday, March 8, 1832.

SELECT COUNCIL.—Mr. DUANE was called to the Chair.

Mr. JOHNSON presented petitions praying that Jones' alley and Beach street be curbed and paved, which were referred to the Paving Committee.

Mr. MASSEY presented petitions praying that Cherry street to Schuylkill Seventh street, and Eighth street between High and Arch street be paved, which were referred to the Paving Committee.

Mr. LIPPINCOTT presented the following petition which was referred to the Paving Committee in conjunction with the City Solicitor.

*To the Select and Common Councils of the city of Philadelphia.*

The Memorial of the undersigned, the President and Managers of the Philadelphia Exchange Company,

Respectfully represents: That your memorialists are about to construct a costly and elegant Exchange on the lot of ground at the north side of Walnut street, between Third and Dock streets: That they propose surrendering up to public use a considerable portion of the ground at the immediate corner of Dock and Walnut streets; and are desirous, before proceeding to erect their building, that the width of the several footways about the same should be reconsidered by your honorable bodies, and so arranged as to improve the appearance of the square, and promote the general convenience. They would also respectfully suggest, that as the whole of the square on Walnut street will be occupied by the intended building, it would be adviseable at the same time, without affecting the regulation of the streets, to reduce the rapid descent of the footway from Third to Dock street, or perhaps to keep it on a level throughout.

They pray your honorable bodies, to take such order in the premises as to your wisdom shall seem meet.

The subjoined communication from the City Commissioners was received and referred to a joint committee of two members of each Council, and Messrs. Massey, Lippincott, Hood and Patterson were appointed the committee.

CITY COMMISSIONERS OFFICE, }  
March 8th 1832. }

*To the President and Members of the Select Council.*

Gentlemen,—The City Commissioners respectfully submit to Council, printed statements of their expenditures for the year 1831, together with their annual report, and the city rental for 1832.

They also respectfully ask the attention of Council to the procuring of a supply of Oil, on which, Council have heretofore appointed a committee. The Commissioners have been informed by the Captain of the Watch, that a fresh supply will soon be required.

By order of the City Commissioners,  
ROBERT H. SMITH, City Clerk.

The subjoined communication from the WARDENS OF THE PORT was received and referred to the Paving Committee.

WARDENS' OFFICE, }  
Philadelphia, March 5th, 1832. }

Sir,—The Wardens of the Port have by the following resolution authorized and instructed me to address this communication to the honorable body over which you

\* The section in the original act of incorporation gave to the state the right to subscribe for one fourth of the capital stock of the Company, which is thus relinquished by the state.



preside, and to request their taking such measures in relation thereto as they may deem necessary to remove the evil complained of.

Your most ob't and humble servant,  
DAVID MAFFET,  
Master Warden.

JOHN M. SCOTT, Esq.

Extract from the Minutes of the 3d inst. viz:

"Whereas, complaints have been made to the Board of Wardens that a considerable alluvion deposit has taken place in the river Schuylkill, opposite Arch street, caused by the culvert or common sewer; and this Board believe that there is sufficient ground to apprehend injury to the navigation of said river from this cause—therefore

Resolved, That the Master Warden be and he is hereby authorized and instructed to address a communication to the City Councils on the subject, and request them to take such measures in relation thereto, as they may deem necessary to remedy the evil complained of."

Attest—THOS. JACKSON, Clerk.

A communication from Mr. S. HAZARD, was received and referred to the Library Committee

Mr. LIPPINCOTT as Chairman of the Committee on Logan Square, made the annexed report and resolution, accompanied with an ordinance, which were agreed to.

The Committee on Logan Square to whom was referred Item No. 3, in the report of unfinished business, viz: an ordinance providing for the construction of a sewer to cross Logan Square, and unite with the sewer in Mulberry street, Report;

That they have viewed said square of ground, and are of opinion that a sewer is indispensably necessary, and that it should be continued along Schuylkill Fourth street, and connected with the sewer in Mulberry street; and herewith submit a draft of the same made by Samuel Haines, City Surveyor; also his estimate of the expense of its construction. They are also of opinion, that after the completion of the proposed culvert, measures should be taken to have said square filled up and levelled, which if done by degrees may be effected advantageously to the public interest without incurring much expense.

The committee therefore beg leave to recommend the passage of the ordinance submitted to them, and offer the following:

Resolved, That the committee on Logan Square, are hereby authorized to take measures as soon as may be (after a culvert shall have been completed through the same) to have said square of ground filled up and levelled.

Joshua Lippincott Esq.

SIR:—Previous to filling up and improving Logan Square, it will be necessary to construct a sewer six feet diameter in the clear—commencing at the sewer in Mulberry street and extending along Schuylkill Fourth to Sassafras street—thence across the said square to a point on Vine street 80 feet west of Schuylkill Fifth street.

The whole length of the sewer will be 1440 feet. To complete it, will require the excavation of 4734 cubic yards of earth at 12½ cents per yard, \$600  
421,000 brick when laid a \$9 per thousand, 3789  
4 inlets, 2 at Cherry street and 2 at Vine street, at \$50 each, 200

4589

Add for centers and contingencies, 411

Whole cost, \$5000

A small alteration in the regulation of Vine street will be necessary to accommodate the sewer to the location above mentioned—which will also be of public utility

by giving a better descent to carry off the water of that street. All which is respectfully submitted, by yours, &c.

SAMUEL HAINES, City Surveyor.

March 8th, 1832.

Mr. MASSEY as Chairman of the Committee on the Sinking Fund made the following report, with an ordinance, which were ordered to be printed.

## ANNUAL REPORT OF THE COMMITTEE ON THE SINKING FUND.

### To the Select and Common Councils.

By an ordinance passed by the Select and Common Councils on the 14th April, 1824—It was made the duty of the Committee on the Sinking Fund, to report annually, at the first stated meeting of Councils in March, a statement of all their transactions during the preceding year, and in pursuance thereof, herewith submit the statement of the City Treasurer, showing the receipts and payments which have occurred during the year ending the 1st March, 1832:

Received for premium of 36,200 dollars loaned to the Corporation, borrowed 30th July, 1831,	4,029 62
Received for premium of 10,000 dollars 6th August, 1831, loaned to the Corporation,	800 00
Received for premium on 35,000 dollars, loaned to the Corporation 14th December, 1831,	3,687 56
Received for the redemption right of 2 lots of ground on Lombard street, agreeably to the resolution of Councils of 29th April, 1830,	1,200 00
For annual appropriations of Councils agreeably to ordinances,	22,000 00
For interest on money loaned to the Corporation,	148 63
For interest and dividends on stock held by the Sinking Fund,	13,874 36
	<hr/> 45,740 17

Paid for 5,673 43.100 dollars in State of Pennsylvania 5 per cent. stock,	6,100 00
Paid for 10,000 dollars 5 per cent. city loan,	10,800 00
Paid for 15,000 dollars 5 per cent. city loan,	16,950 00
Paid for 10,519 31.100 dollars 5 per cent. state of Pennsylvania stock,	11,890 17
	<hr/> 45,740 17
Dolls. 41,172 74, amount of certificates of stock,	

Therefore the whole sum is invested and bearing an interest as perschedule annexed.

The amount of stocks held by the Sinking Fund on the 1st March, 1831, was, \$288,838 79

The amount of stocks held by the Sinking Fund on the 1st of March 1832, as per schedule annexed, is 330,031 56

Increase of the Fund in the past year, is \$41,192 77

Add to which the premiums on the stock purchased as before stated, 4,547 40

Amount of the cost of the stock above stated, \$45,740 17

Your committee in their last annual report to Councils, suggested and recommended that it would be expedient to place the further sum of 3,000 dollars annually hereafter to the credit of the Sinking Fund, to be withdrawn from the income of *water rent*, at the same



time and in the same manner as the other appropriations are by the "ordinance of the 11th April, 1824," for the same object.

Your committee after having again considered the subject have deemed it advisable, that the sum should be reduced to 2,000 dollars per annum which would then make the total sum together with the 14,000 dollars already appropriated, 16,000 dollars from the income of the water rents annually placed to the credit of the said fund, applicable to the redemption of the debt of the corporation. They submit herewith an ordinance for the adoption of Councils in conformity thereto. They would further observe that no appropriations have been made from the income of the water rents, or from the income of the corporate estate of the city to this fund since the 3d of May, 1821, although loans have been made to the corporation exclusively for the use of the Fair Mount Water Works since that period amounting to upwards of 500,000 dollars. It appears from the annexed report of the Watering Committee, that the water rents of 1832 will exceed 70,000 dollars, and that there will be a surplus arising from that source of near 10,000 dollars after deducting the expenses appertaining to the Fair Mount Water Works for the year 1832, and the annual appropriation of 16,000 dollars to the Sinking Fund.

By a calculation made by the city treasurer, the present means of the Sinking Fund with the additional appropriation of 2,000 dollars will be adequate to redeem 622,900 dollars of the principal of the city debt at the various periods it becomes due, up to the 1st January, 1846; leaving a balance then in hand of 258,354 17.100 dollars towards the payment of 456,000 dollars of the city loan which fall due in that year, when it will be necessary to make a loan for the deficiency, unless an additional sum be placed now annually, sufficient to accomplish that object.

But it is anticipated that in a very few years a sum sufficient will be appropriated from the income of the water rents which will be ample for that purpose and for the redemption of the balance of the debt as it becomes due.

It must be admitted that the Sinking Fund now stands upon a permanent foundation, and is unquestionably the best mode that can be devised for the payment of the city debt; and if properly regulated, may accumulate to such an amount as to redeem the debt of the city without being felt by our citizens. All of which is respectfully submitted.

Mr. MASSEY, from the Committee on the Girard Fund, offered the following resolution which was adopted.

*To the Select and Common Councils of the City of Philadelphia.*

The committee on Girard's Legacy, recommend to Councils the adoption of the following resolution, viz:

"Resolved by the Select and Common Councils of the city of Philadelphia, That the City Treasurer be and he is hereby authorized and directed to receive from the Trustees of the Bank of the late Stephen Girard, such deeds, and muniments of title to real estate, as they may deliver, and to give them receipts for the same."

Mr. GROVES offered the annexed resolution, which was agreed to.

Resolved, That the committee on Will's Legacy be and are hereby authorized to cause the front of the building intended for a Hospital for the blind and lame, to be constructed of granite or such other durable material as they may think proper, instead of having the same rough-cast as heretofore directed, provided the additional expense shall not exceed \$2000.

Mr. DUANE offered the subjoined resolution which was adopted.

Resolved, &c. That the Watering Committee be and they are hereby authorized to cause the old machinery in the engine house at Fairmount, to be sold at public sale.

Mr. DUANE offered the annexed resolution, which was agreed to, and Messrs. Duane, Groves, Okie and Moss were appointed the committee.

Resolved, by the Select and Common Councils &c. That a committee, of two members of each Council, be appointed to inquire whether the public interest and convenience would not be promoted by making the Schuylkill Permanent Bridge a free bridge; and what would be the best means to accomplish that object if deemed desirable.

COMMON COUNCIL.—Mr. OKIE presented the following petition, which was referred to the Com. on Fire Cos.

*To the Select and Common Councils of the City of Philadelphia.*

The memorial of the Pennsylvania Hose Company, respectfully sets forth,

That they have lately established themselves in the District of Spring Garden, and are now about procuring at considerable expense a very superior carriage and apparatus. That they have no place in which to deposit the same, and wish to obtain from Councils permission to use a portion of the lot lately belonging to Stephen Girard, situate in Coates street between 6th and 7th, for the erection of a temporary frame building for that purpose, upon such terms as Councils may deem proper, all of which is respectfully submitted.

RANDOLPH W. EVANS, President.

ISAAC B. FITLER, Vice President.

SAMUEL M. WAGNER, Secretary.

DANIEL M. HEWITT, Assistant Sec'y.

Philadelphia, March 1, 1832.

Mr. SULLIVAN presented the annexed petition which was referred to a joint Committee of two members of each Council, and Messrs. Sullivan, Lehman, Groves and Johnson, were appointed the Committee.

*To the Honorable the Select and Common Councils of the city of Philadelphia.*

The petition of the undersigned citizens of Philadelphia respectfully sheweth:

That the progress of the Columbia and West Chester Rail-roads is such that it is confidently expected that they will be ready for use by the middle of next summer, so as to admit of travelling on them from West Chester to this city, and that such travelling will not be prevented by the unfinished state of the bridge over the river Schuylkill. Your petitioners therefore pray that timely measures be taken to extend the Rail-road along Broad street, that it may be in readiness by the time above mentioned.

The annexed communication enclosing a copy of the bill, was received, and was referred to the Committee on Markets.

HARRISBURG, Feb. 27, 1831.

SIR—I have the honor to transmit to you a copy of a Bill entitled "An Act relative to the Markets in High street in the city of Philadelphia," read in the House of Representatives, on the 21st inst.

I am, very resp'y, Sir, your most obt. servant,

DAVID S. HASSINGER.

JAMES PAGE, Esq.

President Com. Co. Philadelphia.

*An Act relative to the Markets in High street in the city of Philadelphia.*

Sect. 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the act passed on the twenty-third day of March, Anno Domini one thousand seven hundred and eighty-six, as authorizes country persons to occupy the stalls in the western portion or moiety of the said market in High street, between Third and Fourth streets, free of rent tolls or perquisites, is hereby repealed. *Provided nevertheless, That*



the said portion of market which was appropriated to the use of country persons free of rent tolls or perquisites, and so much of the said act relating thereto as is hereby repealed, shall be subject to the same laws and ordinances that the western portions or moieties of each of the said market houses in High street aforesaid now are or hereafter may be governed. *And provided also,* That the rent of the stalls contained in the western portion or moiety of the market house in High street, between Third and Fourth streets, shall never exceed the sum of twenty dollars per annum for each and every stall.

Mr. Hoon as Chairman of the market committee made the following report and resolution with an ordinance which were laid on the table:

The Committee to whom was referred the petition for the erection of a Market House in High street, between Juniper and Twelfth streets, beg leave to report, that:

The Committee met, and after an interchange of opinion on the subject, your Committee adopted the following resolution.

Resolved, That it is expedient to erect a Market House in the square in High street, between Delaware Twelfth and Thirteenth streets, and also one on the square in High street between Delaware Tenth and Eleventh streets.

Your committee therefore respectfully recommend to Council the adoption of the following ordinance:

An ordinance for the erection of a Market House on High street, from Delaware Twelfth to Thirteenth, streets, and also a Market House on said street from Delaware Tenth to Eleventh streets.

Section 1st. The City Commissioners under the superintendence of the Market Committee are hereby authorised and requested to cause and procure (as soon as possible after the passage of this Ordinance) a Market house to be built and erected on High street, along the middle thereof, (between Delaware Twelfth and Thirteenth streets,) beginning thirty feet west of the west line of Twelfth street, and extending westward to within thirty feet of the east line of Thirteenth street, and between the said Tenth and Eleventh streets, beginning thirty feet west of the west line of Tenth street, and extending westward to within thirty feet of the east line of Eleventh street, and the piers or columns of the said Market houses shall not be less than eight feet high, and in no instance (regard having been had to the necessary levels,) more than ten feet high, and the width or breadth of said Market houses shall be the same with that of the Market Houses already erected on High street, and Market Houses shall be finished in the same manner and corresponding with the Market Houses erected between Delaware Sixth and Eighth streets.

Communicated for the Register of Pennsylvania.

### ATTLEBOROUGH.

A flourishing village lying on the road leading from Bristol to Easton, where the road from Trenton to Norristown crosses the same, in the township of Middletown, Bucks county, and state of Pennsylvania, is situated on a piece of high, rich, table land, six miles from the Delaware river, and one from Neshamony river, seven miles from Bristol, nine from Trenton, N. J., and twenty from Philadelphia. It is one of the most beautiful, healthy, and pleasant situations in the county; having a commanding view of the surrounding country for fifteen or twenty miles, and much the healthiest village in the county. The water is excellent, the air pure, clear and salubrious, and through all the past sickly seasons this village continued very healthy and clear of

any disease; and was not visited with fever and ague, so prevalent in other sections of the country. This place would be a fine resort for weakly persons, for the restoration of their health. Within one mile of this village are two chalybeate or mineral springs, which have the good qualities of assisting to restore lost and impaired health, and keeping off approaching diseases. This village contains about one thousand inhabitants; upwards of eighty dwellings, and numerous work shops; one Post office, one Tavern, two Dry good and Grocery stores, one Iron store, three Apothecaries, two able Physicians, two Confectionaries, four places of Worship, (two Quakers or Friends, one Methodist, and one African;) an extensive Tannery and Currying establishment; two Coach making establishments, at one of which it has been carried on very extensively in all its various branches for many years, by the Messrs. Tomlinsons. There are four Wheel-wrights or Waggon makers, who are carrying on the business extensively. There are also all kinds of mechanics, such as Blacksmiths, Carpenters, Joiners, Turners, Cordwainers, Tailors, Weavers, Coopers, Painters, Glaziers &c.; also a Brick-yard, where the business of making bricks is extensively carried on. There are two daily stages passing through this town from Philadelphia and Bristol to Easton, both of which have met with encouragement, and have been profitable to the proprietors, and very accommodating to travellers; by these lines of stages, persons travelling from Philadelphia to New York and Easton, will find this a very pleasant route, either, by taking the steam-boat at Bristol or by continuing all the way by land, to Easton. They will have a fine view of the Canal, besides, passing through a beautiful country, and upon excellent roads. The land surrounding the village of Attleborough, is of the first quality; in a high state of cultivation, and much improved, and very productive.

FUNERALS IN WILKESBARRE, IN TEN YEARS:—List of dead, buried in St. Stephen's Church-yard, since Nov. 8th 1822.

Adults,	21
Children,	13
Total,	34

Buried in the Common Burying Ground, since March, 1828.

Adults,	44
Children,	38
Total,	82
In Gen. Ross's Burying ground.	
Adults,	2
Children,	none.

Number of colored people not known.

JOHN MICHAEL KIENZLE,  
Sexton.

Wilkesbarre, Jan. 2, 1832.

### IMPORTS INTO BOSTON.

The imports into Boston from Philadelphia, in 1831.	
of Flour were	15,527 bls. and 501 half bls.
Corn,	201,413 busels
Oats,	8,160 "
Rye,	5,438 "



## STATEMENT OF DEATHS.

WITH THE DISEASES AND AGES,

In the City and Liberties of Philadelphia, from the 1st January, 1831, to the 1st January, 1832.

DISEASES.	Under 1 year.	From 1 to 2.	From 2 to 5.	From 5 to 10.	From 10 to 15.	From 15 to 20.	From 20 to 30.	From 30 to 40.	From 40 to 50.	From 50 to 60.	From 60 to 70.	From 70 to 80.	From 80 to 90.	From 90 to 100.	From 100 to 110.	Total.
Abcess,	0	0	2	0	1	0	6	3	3	2	3	1	0	0	0	21
Atrophy,	16	3	1	2	0	0	1	2	1	0	1	1	1	0	0	29
Apthæ,	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	2
Angina Pectoris,	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Apoplexy,	0	0	0	0	0	1	7	7	9	12	13	8	3	0	0	60
Aneurism,	0	0	0	0	0	0	0	2	1	0	1	0	0	0	0	4
Asthma,	0	0	0	0	0	0	0	0	0	3	3	0	0	0	0	6
Bronchitis,	11	8	12	3	1	2	5	5	3	2	4	4	1	2	0	63
Burns,	3	4	12	4	0	0	0	1	1	0	0	0	0	0	0	25
Bite of a Rattle Snake,	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Consumption,	23	18	18	16	8	36	179	167	105	58	24	17	4	0	0	673
Convulsions,	174	41	31	9	0	2	5	7	5	2	1	0	0	0	0	277
Catarrh,	31	7	8	0	0	0	0	2	2	2	1	1	2	2	0	58
Cholera,	199	89	14	1	1	3	3	2	0	2	3	3	0	0	0	320
Child Bed,	0	0	0	0	0	0	2	7	0	0	0	0	0	0	0	9
Caries,	0	1	1	0	0	0	0	2	0	0	0	0	0	0	0	4
Cancer,	0	0	0	0	0	0	1	4	7	3	2	2	0	0	0	19
Casualties,	2	0	3	1	1	4	3	3	2	1	1	0	0	0	0	21
Cachexy,	0	0	0	0	1	0	0	1	0	1	1	0	0	0	0	4
Contusions,	0	0	0	0	0	0	1	0	0	0	0	2	0	0	0	3
Concussion of the Brain,	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
Cholic,	0	0	0	0	0	0	1	1	1	0	1	0	0	0	0	4
Chorea Sancti Viti,	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Cholica Pictonum,	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Debility,	173	18	14	4	1	9	3	6	8	15	24	22	5	0	0	293
Dyspepsia,	0	0	0	0	0	0	2	0	2	0	0	0	0	0	0	4
Disease of the Heart,	4	1	0	3	1	3	3	2	3	1	2	1	0	0	0	24
Hip Joint,	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	2
Knee Joint,	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Spine,	4	0	1	0	0	0	1	1	0	0	0	0	0	0	0	7
Drunkenness,	0	0	0	0	0	0	1	11	7	5	2	1	0	0	0	27
Drowned,	0	0	0	5	5	2	9	20	7	2	1	0	0	0	0	51
Diarrhœa,	28	17	8	2	1	0	5	3	2	6	3	2	4	0	0	81
Dysentary,	19	17	14	10	4	2	13	12	12	9	5	3	1	0	0	121
Death by Lightning,	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Dropsy,	6	6	5	5	2	3	8	29	21	11	10	4	1	0	0	111
Of the Breast,	0	1	5	3	0	0	7	6	6	3	10	6	1	0	0	48
Head,	92	57	39	13	3	0	1	3	0	0	0	0	0	0	0	208
Diabœtes,	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Decay,	0	0	1	0	0	0	1	1	1	1	0	0	2	0	0	7
Drinking Cold Water,	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	2
Erysipelas,	11	0	2	0	0	0	0	1	1	1	0	0	0	0	0	16
Epilepsy,	1	0	0	1	0	1	0	4	2	1	1	1	0	0	0	12
Eruptions,	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	4
Effects of the Heat,	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2
Found Dead,	18	0	2	0	0	0	0	5	8	8	2	2	0	0	0	45
Fracture,	0	0	0	0	0	1	3	1	1	0	0	1	0	0	0	7
Fungus Hæmatodes,	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Fever,	13	7	5	5	1	4	9	5	7	5	4	1	0	0	0	66
Bilious,	4	2	1	3	2	8	7	7	11	6	3	1	0	0	0	55
Typhus,	0	2	0	7	6	6	26	13	9	9	6	0	0	0	0	84
Remittent,	1	2	5	3	4	3	9	5	2	3	3	3	0	0	0	43
Intermittent,	4	1	1	0	0	0	1	4	0	0	2	0	2	0	0	15
Nervous,	0	0	0	0	1	0	4	1	0	1	1	0	0	0	0	8
Hectic,	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	3
Puerperal,	0	0	0	0	0	1	10	2	1	0	0	0	0	0	0	14
Malignant,	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	2
Scarlet,	13	31	91	54	5	1	4	1	0	0	0	0	0	0	0	200
Gout,	0	0	0	0	0	0	0	0	0	5	0	2	0	0	0	7
Grangrene,	2	0	4	1	0	1	1	1	2	0	1	0	0	0	0	13
Hives,	39	23	52	12	0	0	0	0	0	1	0	0	0	0	0	127
Hooping Cough,	31	13	18	5	0	0	0	0	0	0	0	0	0	0	0	67
Hæmorrhage,	3	0	0	1	2	2	7	6	3	3	4	0	2	0	0	33
Hernia,	0	1	1	0	0	0	0	1	1	4	3	2	1	0	0	14
Insanity,	0	0	0	0	0	0	6	9	5	1	3	0	1	0	0	25



DISEASES.	Under 1 year.	From 1 to 2.	From 2 to 5.	From 5 to 10.	From 10 to 15.	From 15 to 20.	From 20 to 30.	From 30 to 40.	From 40 to 50.	From 50 to 60.	From 60 to 70.	From 70 to 80.	From 80 to 90.	From 90 to 100.	From 100 to 110.	Total.
Influenza, - - -	1	1	0	1	0	2	0	5	0	4	1	4	4	1	0	24
Introsusception, -	3	2	0	0	0	0	0	0	0	0	0	0	0	0	0	5
Inflammation of the Lungs,	33	17	19	4	4	5	20	19	22	19	19	7	3	0	1	192
Stomach, - - -	4	1	2	1	1	2	4	7	3	3	4	2	0	0	0	34
Liver - - -	2	0	2	4	1	1	5	12	6	4	0	4	1	0	0	42
Brain, - - -	17	5	6	13	4	3	10	15	8	4	1	1	1	1	0	89
Kidneys, - - -	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	2
Bladder, - - -	0	0	0	0	0	0	0	3	0	1	0	0	0	0	0	4
Knee Joint, - - -	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Uterus, - - -	0	0	0	0	0	1	1	1	1	0	0	0	0	0	0	4
Breast, - - -	8	5	0	2	1	0	3	2	3	1	1	2	0	0	0	28
Heart, - - -	0	0	0	2	0	1	2	0	0	0	0	0	0	0	0	5
Bowels, - - -	31	14	10	2	0	3	6	5	2	1	4	2	1	0	0	81
Peritonæum, - - -	0	0	0	1	2	7	8	3	0	2	0	0	0	0	0	23
Jaundice, - - -	7	0	0	0	0	1	0	1	1	2	1	0	0	0	0	13
Locked Jaw, - - -	2	0	0	0	0	0	4	0	1	0	0	0	0	0	0	7
Laudanum to Excess, -	1	0	0	0	0	0	1	1	0	0	0	0	0	0	0	3
Measles, - - -	11	8	3	0	0	0	0	0	1	0	0	0	0	0	0	23
Mania a Potu, - - -	0	0	0	0	0	0	23	44	31	5	5	2	0	0	0	110
Mortification, - - -	4	1	2	1	0	1	1	5	1	4	3	0	1	0	0	24
Old Age, - - -	0	0	0	0	0	0	0	0	0	0	1	13	37	21	2	74
Palsy, - - -	0	0	0	0	1	0	2	3	6	10	14	12	8	3	0	59
Pleurisy, - - -	1	0	0	1	0	1	2	5	3	2	6	2	1	0	0	24
Perished with Cold, -	1	0	0	0	0	0	1	1	0	1	0	0	0	0	0	4
Poisoned, - - -	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	2
Phlegmasia Dolens, -	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Rupture, - - -	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Rheumatism, - - -	0	0	0	0	0	0	2	0	1	0	1	0	0	0	0	4
Small Pox, - - -	1	2	1	0	0	0	6	3	1	0	0	0	0	0	0	14
Stricture, - - -	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Sudden, - - -	18	2	1	1	1	0	10	21	9	11	4	0	1	0	0	79
Suicide, - - -	0	0	0	0	0	0	5	2	2	1	0	0	0	0	0	10
Sore Throat, - - -	4	4	7	6	1	0	2	0	0	1	0	0	0	0	0	25
Suffocation, - - -	2	0	0	1	0	0	0	0	0	0	0	0	0	0	0	3
Stone, - - -	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	2
Shot, (accidentally,) -	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Scroffula, - - -	12	3	3	0	3	1	4	2	0	0	0	0	0	0	0	28
Stroke of the sun, -	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Still Born, - - -	316	0	0	0	0	0	0	0	0	0	0	0	0	0	0	316
Syphilis, - - -	2	0	0	0	0	1	1	0	0	0	0	0	0	0	0	4
Scirrhus, - - -	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Tumors, - - -	0	0	0	0	0	0	1	2	2	1	0	0	2	0	0	8
Tcething, - - -	7	1	0	0	0	0	0	0	0	0	0	0	0	0	0	8
Thrush, - - -	3	0	1	0	0	0	0	0	0	0	0	0	0	0	0	4
Ulcers, - - -	2	0	0	1	0	0	2	2	1	2	3	0	0	0	0	13
Unknown, - - -	15	1	5	1	2	1	7	11	8	7	1	1	0	0	0	60
Varioloid, - - -	0	2	0	0	0	1	0	0	1	0	0	0	0	0	0	4
Violence, - - -	3	0	0	0	0	0	0	2	1	0	1	0	0	0	0	7
Worms, - - -	0	2	6	0	0	0	0	0	0	0	0	0	0	0	0	8
	1439	444	441	217	74	123	495	559	380	278	220	145	91	30	3	4939

Of the following there were Males of 20 years and upwards, 1,256; 1,491 under 20 years; 962 Females, of 20 years and upwards, and 1,230 under 20 years.

There were 414 returns received at the Health Office, of persons who died in the Alms House of the City during the year, and 475 People of Color are included in the statement of Interments.

Agreeably to the returns made at the Health Office, and collected from 155 practitioners of Midwifery, there have been born in the City and Liberties, from the 1st of January, 1831, to the 1st of January, 1832—3,787 Male, and 3,555 Female Children; making the total number of births 7,342; leaving a difference between the births and interments of 2,403.

#### DEATHS IN EACH MONTH OF THE WITHIN PERIOD.

	Adults.	Children.	total.		Adults.	Children.	total.
January.....	159	147	306	August.....	156	286	442
February.....	166	170	336	September.....	206	275	481
March.....	156	173	329	October.....	175	203	378
April.....	197	162	359	November.....	184	207	391
May.....	148	164	312	December.....	380	328	708
June.....	114	198	312				
July.....	178	407	585				
					2219	2720	4939

By order of the Board of Health.

Health Office, Philadelphia, January 1st, 1832.

SAMUEL R. FRANKLIN, *Health Officer.*



## CONGRESS—HOUSE OF REPRESENTATIVES.

## MINT OF THE UNITED STATES.

*Message from the President of the United States, transmitting a Report of the Director of the Mint, exhibiting the operations of that institution during the year 1831.*

JANUARY 17, 1832.

Referred to the Committee appointed on the 15th ult. upon the subject of Coins.

WASHINGTON, 16th January, 1832.

I transmit to Congress a report from the Director of the Mint, exhibiting the operations of that institution during the year 1831.

ANDREW JACKSON.

To the Hon. the SPEAKER of the Ho. Reps. U. S.

## MINT OF THE UNITED STATES,

PHILADELPHIA, 1st January, 1832.

SIR: I have the honor to submit a report, on the general transactions of the Mint during the past year.

The coinage effected within that period, amounts to \$3,923,473 60, comprising \$714,270 in gold coins, \$3,175,600 in silver, and \$33,603 60 in copper, and consisting of 11,792,284 pieces of coin, viz:

Half Eagles,	140,594 pieces making	\$702,970 00
Quarter Eagles,	4,520	11,300 00
Half Dollars,	5,873,660	2,936,830 00
Quarter Dollars,	398,000	99,500 00
Dimes,	771,350	77,135 00
Half Dimes,	1,242,700	62,135 00
Cents,	3,359,260	33,592 60
Half Cents,	2,200	11 00
	11,792,284	\$3,923,473 60

Of the amount of gold coined within the past year, about \$130,000 were derived from Mexico, South America, and the West Indies, \$27,000 from Africa, \$518,000 from the gold region of the United States, and about \$39,000 from sources not ascertained.

Of the amount of gold of the United States above mentioned, about \$26,000 may be stated to have been received from Virginia, \$294,000 from North Carolina, \$22,000 from South Carolina, and 176,000 from Georgia. Gold has also been received within the past year, from Tennessee and Alabama not exceeding, however, \$1000 from each of those states. An amount meriting little regard, except as indicating the progressive development of the gold region.

The first notice of gold of the United States on the records of the Mint, occurs in the transactions of the year 1804. From that year to 1823 inclusive, the average annual amount received at the Mint, did not exceed \$2500. Since the latter period, the progressive increase has been remarkable. The amount received within the succeeding years, to the present time, may be stated as follows, viz:

In 1824	-	-	\$ 5,000
1825	-	-	17,000
1826	-	-	20,000
1827	-	-	21,000
1828	-	-	46,000
1829	-	-	134,000
1830	-	-	466,000
1831	.	-	518,000

Previously to the year 1829, the State of North Carolina alone, had furnished gold to the Mint. Within that year it was received also from Virginia and South Carolina—from the former, \$2500, and from the latter, \$3500. Early in 1830, gold began to be received from Georgia. The amount received during that year from the various sections of the gold region, was as follows, viz: From Virginia \$24,000, North Carolina \$204,000, South Carolina \$26,000, and from Georgia \$212,000.

Silver bullion has been supplied, throughout the year, in quantities amply sufficient for our present power. The coinage of silver alone has exceeded the whole amount of coinage in any former year, and the coinage of gold, silver and copper, has exceeded that of any previous year by nearly one million of dollars.

The employment of copper coins in circulation is becoming obviously more general than heretofore. They are transmitted at the public expense and risk, to all parts of the United States, within the range of ordinary means of transportation, and their use and value are becoming familiar and acknowledged, where, until recently, they have been in little estimation.

The profit on the copper coinage of the past year will somewhat exceed \$10,000. This profit is regularly accounted for to the Treasury of the United States, thereby refunding so much of the sum appropriated for the expenses of the Mint establishment. The whole effective expense of the Mint, for the past year, will thus be reduced to less than \$28,000.

It is with much regret, I have to state, that the early accession and continuance of intense cold, unexampled here in recent years, had the effect to arrest, most unexpectedly, certain parts of the work of the new Mint edifice. A suspension thereof became thenceforth inevitable until the rigorous season shall be past, perhaps until April, and the whole of that month will probably be required for the completion of the establishment.

Notwithstanding, however, the impediment alluded to, the extended efficiency of the Mint establishment may be relied on to be in action early in the second quarter of the present year. Thenceforward the institution will be able to accomplish the payment of deposits, with only a very brief delay, in coins of such denominations as may be preferred by the depositors; and should the supply of bullion be regular and competent, it is not doubted that the amount of coinage for the year now commencing, will be equal to six millions of dollars. Of this amount, it is proposed to make such a proportion, of denominations less than the half dollar as will sensibly improve the condition of the currency.

I have the honor to be,

With great respect,

Your obedient servant,

SAML. MOORE.

The PRESIDENT of the United States.

ECONOMY.—The difficulties which lately existed between the society in this village, and that portion which had seceded, have been amicably arranged. On the 6th instant, articles were signed, in which it is agreed that the society shall pay to the seceders \$105,000, deducting eighteen hundred, due the society, by the Count and his family:

\$33,200 to be paid in hand,  
\$35,000 in six months,  
\$35,000 in twelve months:

The Count and his family to move off in six weeks—the dissenters within three months.—*Pittsburgh Gazette.*

There were *fifty-one* deaths in the borough of Easton during the past year—31 of these were children. 36 were males and 15 females.

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# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. IX.—NO. 12. PHILADELPHIA, MARCH 24, 1832. NO. 221.

## PENNSYLVANIA CANAL, &c.

Report of the committee to whom were referred the memorials of a number of citizens of the commonwealth of Pennsylvania, praying that the same rates of toll may be charged on the Delaware division of the Pennsylvania canal, as are charged by the Lehigh Coal and Navigation company, for the use of the Lehigh canal; and praying that additional privileges may be granted to the *Beaver Meadow Rail-road Company*. Read in Senate, February 16, 1832. Mr. Livingston, chairman.

### REPORT.

The committee to whom were referred the petitions of sundry citizens of this commonwealth, complaining of the monopolizing conduct of the Lehigh Coal and Navigation company, and praying to be relieved from the grievances to which the whole community is subjected, by reason of the assessment of exorbitant and prohibitory tolls on the Lehigh canal, have taken the matter into their serious deliberation, and respectfully Report:

By an act of Assembly, passed the twentieth March, eighteen hundred and eighteen, "to improve the navigation of the river Lehigh," Josiah White, George F. A. Hauto, and Erskine Hazard, were authorized to improve the Lehigh, between the Great Falls and the mouth of the river, by making "a good navigation downward, at least once in every three days, except during winter."

Sec. 10. The Lehigh is divided into two grand sections—the first from the mouth of the river to the mouth of the Nescohoning creek, the second from the Nescohoning creek to the Great Falls.

By the second proviso to the twelfth section, they were to commence the improvement of the first grand section "within two years from the passage of the act, and finish the same in six years;" and by the third proviso, they were required to commence the second grand section, ending at the Great Falls, within the period of seven years, and finish the same within twenty years.

Upon the completion of the first grand section, and obtaining the license of the Governor, according to the provisions of the eleventh section, they may assess and collect tolls, but by the second proviso of the first section, they are not allowed "to demand tolls for any boat, &c. in going up the river, unless the same is converted into a complete slackwater navigation, as provided for by the act."

The tolls allowed on making the downward navigation, are provided for by the proviso to the twelfth section, and are not to exceed three cents per mile per ton, from the Great Falls to the mouth of the Nescohoning creek, and one cent per mile per ton from thence to the mouth of the river Lehigh.

The fifteenth section provides, that at any time after the periods fixed for the completion of the navigation of each grand section, if the legislature should deem the navigation insufficient, "they should convert the said navigation into a complete slackwater navigation," and in that case, are permitted "to charge and receive for the passage up and down, through each lock of six feet fall or lift, a toll not exceeding eight cents per ton."

By the sixth section, after the legislature shall have approved of the improvements, as provided for in the first section, they may use or sell, in fee simple, or rent all the water of the river Lehigh, provided they do not at any time impede or interrupt the navigation. So in the seventeenth section, after they shall have completed the slackwater navigation, in either or both of the grand sections, and the same shall have been approved, as therein provided for, they "have the privileges, and are entitled to use all the water from the river, sluices, canals or other devices, to propel such machinery as they may think proper to erect on the land which they may previously have purchased from the owner or owners, or to sell in fee simple, lease or rent the same, for one or more years, to any person or persons, to be used in such manner and on such terms as they may think proper: Provided it be so done, that it shall not at any time impede or interrupt the navigation."

By the nineteenth section, after the expiration of thirty-six years, "the legislature shall have the *privilege* of purchasing every right and title to the *navigation*." The purchase money is to be ascertained by the average of tolls for six years next preceeding the purchase, the one-sixth thereof being considered as equal to the interest of the purchase money, at six per cent. per annum.

It is provided by the twentieth section, that if they "misuse or abuse any of their privileges," they may be revoked.

No provision is made in this act for commencing a slackwater navigation, until after the descending navigation of each grand section shall have been completed. The act of incorporation, to which reference will hereafter be had, provides only for the improvement of the first grand section by slack water navigation, and makes no mention of the improvement of the second, except in the proviso to the third section, which has been modified or repealed by the supplement passed April sixth, eighteen hundred and thirty. But by the third section of their act of incorporation, the rights as well as the obligations to improve the second grand section are devolved upon the Lehigh Coal and Navigation company. The liability of this company to improve the second grand section, although it can be enforced only at a distant day, places in the hands of the commonwealth a right, the *value* of which it *deeply* concerns the community that the legislature should duly appreciate.

By an act passed thirteenth February, eighteen hundred and twenty-two, page twenty-one, "The Lehigh Coal and Navigation company" were incorporated, it being stated in the preamble that the "company were desirous of completing as speedily as possible, the improvement of the navigation of the river Lehigh, and it being the manifest interest of the commonwealth to promote, by all proper means, an object so important to the state."

The eighth section secures to the "Lehigh Coal and Navigation company" all the waters of the river Lehigh, to use, sell in fee simple, lease, &c. "Provided, it shall be so done, that it shall not at any time interrupt or impede the navigation."

By the tenth section "it is not lawful for the Lehigh Coal and Navigation company to demand at any time *more than one-third* of the tolls authorized and provided



for by the fifteenth section of the act passed twentieth March, eighteen hundred and eighteen."

Under the provisions of these acts, the Lehigh Coal and Navigation company have completed a canal and slack water navigation from the mouth of the river Lehigh to Mauch Chunk, a distance of forty-six miles. It would seem to be manifestly their interest, as a canal company, to extend the slack water navigation up the river Lehigh as "speedily as possible," and to endeavor to connect with the Susquehanna, by means of a canal or rail-road. By extending their navigation to the mouth of the Quacake, a distance of *only six miles* above the mouth of the Nescohonig, the canal would receive the trade of an extensive district of country north of Broad Mountain. This region abounds with anthracite coal of a superior quality, has extensive forests of valuable timber, and needs only access to market to become one of the richest and most prosperous sections of the commonwealth. A rail-road would be immediately made from the Beaver Meadow coal mines to the mouth of the Quacake, and probably in a year or two, be extended, by the way either of the Nescopeck or the Catawissa, to the Susquehanna, provided the slack water navigation was completed to the mouth of that creek, and the tolls were fair and reasonable.

Broad mountain is situate between the Quacake and Nescohonig and bluffs on the river Lehigh. There is difficulty in constructing a rail-road round the end of this mountain down the Lehigh, as the ground, in some places, is unfavorable. To these natural difficulties in the way of such an undertaking, may be added the unfounded apprehensions that the Lehigh Coal and Navigation company could hereafter destroy or render useless such a rail-road by means of their great privileges and dominion over the waters of the Lehigh.

It has happened, that whilst rail-roads connecting with the Schuylkill canal are extended up the Little Schuylkill twenty-two miles, Mount Carbon eight miles, Schuylkill Valley ten miles, Mill creek three miles, West Branch fifteen miles, and all these intersected with lateral rail-roads in different directions, not a solitary improvement of the kind is made on the Lehigh, except at Mauch Chunk, although the country so strongly invites them, by an exhibition of its abundant and inexhaustible riches.

The reasons why no attempts have been made, or are likely voluntarily to be made, by the Lehigh Coal and Navigation company, further to improve the navigation of the river Lehigh, will appear in the sequel.

The complaints against this company are that the tolls assessed on the Lehigh canal are so high as to depress enterprise, retard the general prosperity, and diminish the revenues of the commonwealth. The cost of transportation on the canal is as great, if not greater, on many articles, than it was on the bed of the river; and on coal the tolls are an actual *prohibition* of all coal which is not owned by the Lehigh Coal and Navigation company *themselves*.

These grievances are not complained of merely by those who primarily suffer, but by the whole mass of our citizens who are interested in the trade and prosperity of that part of the commonwealth.

The complaints are, that the assessment of tolls on *all articles* is unreasonable, but in the case of anthracite coal the principle involved in the assessment of tolls *upon it*, is one of the very *first* impression. If the Lehigh Coal and Navigation company have the right to assess tolls on coal for the purpose of *prohibiting* all coal trade but their own, they may do the *same* on any other articles whether of manufacture or production. They may erect iron works, flour mills, in short any machinery whatever, having the advantage of such immense water power, and then prevent *all competition* in the trade on those articles by means of excessive tolls on the Lehigh canal.

If they have such a right, it will become an interesting question whether it was competent for the legislature

to confer corporate privileges so destructive to the general prosperity?

In attempts to negotiate with the Lehigh Coal and Navigation company on this subject, they have declared a willingness, on the commonwealth's granting them certain immunities, to take reasonable toll on every thing but anthracite coal, "but as they have coal of their own they will assess higher tolls upon it, being determined to keep the coal trade in their own hands."

By the fifteenth section of act twentieth March, eighteen hundred and eighteen, the toll for the *passage up and down* through each lock of six feet fall or lift, shall not exceed eight cents per ton. The tenth section of the act thirteenth February, eighteen hundred and twenty-two, declares that the tolls thereafter shall *not* exceed *one-third* of the tolls authorized by the fifteenth section of the act twentieth March, eighteen hundred and eighteen. The amount of the tolls therefore, which the law allows to be charged, for *passing up and down* through a lock of six feet fall or lift, is *one-third of eight cents*, or *two cents and two-thirds of a cent* per ton. This divided upon the passage *up*, and upon the passage *down*, will make the toll *one cent and one-third of a cent* per ton for passing *up*, and the like sum for passing *down* through a lock of six feet fall or lift.

The elevation from the Delaware, at Easton, to Mauch Chunk, is three hundred and forty-nine feet, which gives fifty-eight lifts of six feet each, with a fraction of one foot.

Fifty-eight lifts, at one and one-third cent a lift, is seventy-seven three-tenths, add toll for the fraction of one foot, and the whole amount of the toll, from Easton to Mauch Chunk, or from Mauch Chunk to Easton, is seventy-seven and a half cents, which is twenty-two and a half cents less than the tolls now charged. The words "*up and down*," are perhaps ambiguous, and may admit of different constructions; and how it happened that such a mode of expression was used in an act so skilfully and cautiously worded, it may not be easy to imagine. It is, however, still more difficult to suppose, that the legislature would have enacted in *plain words*, that an article going to market, should pay toll for the privilege of returning, or that all produce and merchandize should pay double toll for once passing through the canal. It does not appear reasonable to give the words such a construction, if they fairly admit of any other. What passes down should pay for going down; that is to say, it should pay for all the benefit it has derived from the use of the canal. In like manner for going up; and no article should be required to pay for returning, unless it does return. This seems to be the common sense and justice of the matter. Illegal or excessive tolls are injurious, not merely because they arrest improvement, and, in this case, exclude from market one of the finest coal regions in the state, and diminish the revenues of the commonwealth on the Delaware canal, but the deleterious consequences are felt by the whole community from Mauch Chunk to Bristol, a distance of one hundred and six miles. One or two facts will make this matter manifest. At New Hope, on the Delaware, *sixty miles* by water above Philadelphia, Mauch Chunk coal has been sold, this last season, at higher prices than it was, at the same time, selling for in Philadelphia, where it is met by competition with the Schuylkill coal. In the valley of New Hope there are eighty lime kilns, which it is estimated will burn about eight thousand tons of anthracite coal a year. A competition in the coal trade would reduce the price of the article in that district, so as to make a saving to that community, in the single article of lime burning, of a sum probably exceeding eight thousand dollars a year. Extend this examination into the other extensive lime districts on the Delaware and Lehigh, into the different manufactories and fire sides of the community, from Mauch Chunk to Bristol, and the loss to the community, from the absence of competition in the coal trade, will be found to be a grievance of great magnitude. The extension of



a rail-road from the Beaver Meadow coal region to Easton, will effectually remove this grievance, by furnishing the means of competition. That such competition would be effectual in reducing prices, is evidenced by the fact, that the tolls are assessed on the Lehigh canal for the avowed purpose of preventing the competition.

It may perhaps be useful to examine this question of tolls, in comparison with other canals.

The Schuylkill canal was commenced in eighteen hundred and fifteen, and finished in eighteen hundred and twenty-five. This company were the pioneers in inland navigation, and to them is due all the credit of commencing works of this nature. Owing to the want of experience in the country in the construction of such works, they encountered many difficulties, which those who followed were instructed to avoid, and in consequence have been put yearly to great expense for repairs, and probably will continue to be for a year or two longer. The length of the Schuylkill canal is one hundred and eight miles; cost of construction, nearly two millions and a half of dollars; lockage five hundred and eighty-eight feet; toll on canal for one hundred and eight miles, one dollar per ton on coal. This company possesses *no coal privileges*, or other immunities that do not properly belong to canal operations.

The Lehigh Coal and Navigation company, having all the advantages derivable from the experience of the Schuylkill company, began their canal in eighteen hundred and twenty-two, finished in eighteen hundred and twenty-nine, and have constructed it so well, that it has required, and it is believed it will require inconsiderable repairs.

Length of Lehigh canal from Mauch Chunk to Easton forty-six miles, cost of construction less than one million and a half of dollars. Lockage three hundred and forty-nine feet. Toll on Lehigh canal for forty-six miles one dollar and four cents, making the toll on the Lehigh canal for forty-six miles, four cents more than it is on the Schuylkill canal for one hundred and eight miles; rated by miles about one hundred and fifty per cent higher than on the Schuylkill; and three hundred per cent higher than on the Delaware canal.

It has been said, that as the Lehigh canal is more capacious than the others, the freight on it will be less, and therefore the tolls may be higher. This is not a consequence, nor does the principle of a fair comparison of tolls depend at all upon the capacity of the canal. A canal may have little water, but, by reason of the difficulty and expense of construction, be fairly entitled to assess higher tolls than another, more capacious, of easy construction, and abundantly supplied with water. But the fact is, that, for all boats which are destined to pass through the Delaware canal, the larger dimensions of the Lehigh are of no advantage, but rather a detriment. The locks are not so soon filled, and the boat when in them is not so conveniently managed. The pretence that two boats can be locked together side by side, and thus conveniently pass through the locks, and on the canal, it is believed experience has proved to be a sheer assumption.

In considering this question of tolls, reference ought to be had to the probable trade, in connexion with the privileges of the company. In their report seventh January, eighteen hundred and thirty-two, page three, they say "a number of boats, laden chiefly with coal from Mauch Chunk, a portion of the contract for fifty thousand tons mentioned in our last report," were passed through the Morris canal, and that it is completed and in successful operation, and in page fifteen, "promises a large market for coal along its banks." The Delaware canal is ready to accommodate their coal trade, and in report, page six, they expect "*that at least one hundred thousand tons of coal will be shipped from Mauch Chunk for the supply of the coming season,*" yielding a revenue under the denomination of tolls on coal on the Lehigh canal of one hundred and four thousand dollars—more than seven per cent. on its cost—and in same report page four-

teen, "if we don't do a greater coal business than all our neighbours put together, it will be because we are less industrious or manage worse than they do, nature having done so much more for us, I don't mean by these remarks to say, that our neighbors are not well off, but only to say we are *better off*."

Report page seventh, "the prospect of speedily realizing a handsome profit by the sale and improvement of water powers and town lots is highly encouraging. There are probably no scites in the country offering advantages to enterprising individuals, for the location of manufactories and other large establishments equal to those which will be found on the Lehigh. All these advantages are more particularly evident at South Easton, a new town, recently laid out by this company; at that place the whole power of the river may be applied under a head of twenty-three feet; it is situated at the junction of the Lehigh canal with the Delaware and Morris canals. A number of town lots have been sold at Nesquehoning." These and other parts of their reports would justify the citizens of the commonwealth in expecting, and the Legislature in insisting, that the tolls on the Lehigh canal, should on all articles be fair and reasonable, but whatever might be their condition, however adverse and discouraging, if at their new mines they had but little coal and that of a poor quality, and their old mines failing, nevertheless they would not be at liberty, it is against the spirit of all our institutions, that they should be permitted to better their condition through the agency of excessive tolls imposed for the purpose of creating for themselves the benefits to be derived from a monopoly of the coal trade.

The petitioners against the grievance, pray that the Legislature would assist the Beaver Meadow Rail-road and Coal company, to make a rail-road from the Beaver meadow coal mine to Easton.

This would open a communication to the coal region and surrounding country, cut off from market by the conduct of the Lehigh Coal and Navigation company, relieve the citizens from injurious and oppressive monopoly, and secure to the commonwealth a large increase of revenue on the Delaware canal.

This company was incorporated to make a rail-road to the river Lehigh, above Mauch Chunk, on the April, eighteen hundred and thirty. The applicants for the act, desired to have the right of extending the rail-road to Easton; but on assurances given by the agents of the Lehigh Coal and Navigation company, in Senate chamber, that the tolls on the Lehigh canal should be reduced to fair and reasonable rates; the Senate made an amendment, by which the road was restricted to end at the Lehigh, above Mauch Chunk. They having refused to reduce the tolls on the Lehigh canal, a supplement passed the last session of the legislature, empowering this company to extend the rail-road to Easton.

A sufficient quantity of the stock has not been subscribed to justify the company in commencing the undertaking; and this, it is believed, has been owing to the sinister and selfish opposition of the Lehigh Coal and Navigation company.

If the Lehigh company, consulting what they will certainly in the end find to have been their best interests, should exert themselves to extend, as speedily as possible, the navigation of the river Lehigh, the Beaver Meadow rail-road would connect with the navigation at the mouth of the Quakake, and would be immediately constructed without additional privileges, or any assistance from the legislature, provided the tolls on the canal were fixed at specified and reasonable rates. If, however, the considerations which ought to impress themselves upon the minds of the stockholders of the Lehigh Coal and Navigation Company, shall continue to fail of their effect, justice, the rights and interests of the community, and the honor and dignity of the commonwealth, require at the hands of the legislature, efficient and effectual aid to an undertaking, which will



relieve the citizens from burthensome impositions, and essentially promote the general prosperity. Such aid, it is believed, can be effectually given, without being subject to a single objection, and in a way which will command the assent and support of all who are determined, and thorough in their determinations, to break down or overcome such monopoly.

It is therefore proposed,

1st. To grant to the stockholders of the Beaver Meadow company, the right to have a preference in subscribing to a part of the stock of any new bank or banks, which may hereafter be established in the city of Philadelphia. Such preference will not at all interfere with the bonus which the state may require, nor in any respect connect the operations of the banks with those of the Beaver Meadow company. The stockholders, in common with other citizens, would have the right of subscribing to such banks; and such a preference, in effect, is granting to them no greater privileges than what are virtually given to the commissioners in every bank bill, *the mere right* of subscribing. If the banks would be otherwise auctioned, subject to the bonus, it is in such case giving the premium produced; but such money would appear to be well bestowed, inasmuch as it would free the commonwealth from the odium of permitting a monopoly to exist through the agency of its own laws, and return to the state annually probably many times the amount in tolls on the Delaware canal.

2d. Assess such tolls per ton per mile on the Delaware canal, on all coal coming from the Mauch Chunk mines, or other mines, owned or used by the Lehigh Coal and Navigation company, as shall equal the charge of tolls on the Lehigh canal per ton per mile. On consideration of all the circumstances, this does not appear a harsh measure, nor is it doing more than requiring from the Lehigh Coal and Navigation company that they assess tolls on all articles for reasonable revenue, and not for monopoly. The trade on the Lehigh canal will exceed that on the Delaware, and greatly exceed it, as is distinctly shown in their report. The tolls on both should be assessed upon the same principles, for revenue to be derived from the encouragement of trade, and not from its depression. If, therefore, their tolls are reasonable, they cannot complain that the above rule operates hardly upon them; if they are unreasonable and oppressive, they are made to pay for their unreasonable and oppressive conduct, and in due proportion, according to the principles of retributive justice. The right and justice of the proposed measure appears to be unanswerable; and it only remains to inquire if it can be made effectual.

It has been said, that in case of such an assessment, the Mauch Chunk coal will avoid the Delaware canal, and go to market by the way of the river, or through the Raritan or Morris canals.

This will depend altogether upon the consent of the commonwealth. Coal boats of a considerable burden cannot descend the Delaware at any season of the year, and if they could, there is no way of return, except through the Delaware canal. The same toll assessed on a return boat which went to market by the way of the river, as would have been assessed in case the boat had gone and returned by the canal, will easily and effectually prevent this evasion.

The remedy in the other case is as easy and quite as effectual. The state took the mouth of the river Lehigh for a feeder to the Delaware canal, in the same manner and subject to the same rights as in other cases, where private property was taken for public use. There is nothing more sacred in the property of a company than in that of a private individual—both may be taken for public use when the public interest requires it to be done. The gate, therefore, at the mouth of the Lehigh, belongs to the commonwealth, and the Legislature may regulate the passage of boats through it upon such terms and conditions as to their wisdom shall seem expedient.

All attempts at evasion, will therefore be found to be useless, nor ought it to be supposed by any one, that the Legislature has transferred to the Lehigh Coal and Navigation company the power of regulating trade within the borders of the commonwealth.

The sole intention of the Legislature was to benefit the country through the agency of a company. It certainly was not foreseen and perhaps could not have been charitably anticipated, that the great privileges which were granted to secure the improvement of the navigation of the river Lehigh, should come to be the chief obstacles in the way of improvement. The waters of the Lehigh were bestowed, corporate privileges were granted, that the navigation of the river might be improved as speedily as possible, and all the citizens of the commonwealth admitted to enjoy upon fair and reasonable assessments of tolls, the beneficial use of the improvement.

From the foregoing considerations, the committee have instructed me to report the following resolutions:

*Resolved*, That the canal commissioners be, and they are hereby required and directed to assess such rates of tolls on the Delaware canal, on all anthracite coal passing down the Delaware canal as shall equal, per ton, per mile, the rate of toll charged on the Lehigh canal, so that the tolls be the same per ton, per mile, on the Delaware canal that they amount to on the Lehigh canal, until the tolls on the Lehigh canal are reduced, and do not exceed per ton, per mile, the usual and customary tolls charged per ton, per mile, on the Delaware canal.

*Resolved also*, That it is expedient to allow each of the stockholders of the Beaver Meadow Rail-road and Coal company, a preference to the amount of his stock, in subscribing upon the same terms which are allowed to others, into the bank stock of any new bank which may hereafter be established in the city of Philadelphia.

## COUNTER REPORT

Of the minority of the committee to whom was referred the memorials of a number of the citizens of the commonwealth of Pennsylvania, praying that the same rates of toll may be charged on the Delaware division of the Pennsylvania canal as are charged by the Lehigh Coal and Navigation company for the use of the Lehigh canal; and praying that additional privileges may be granted to the *Beaver Meadow Rail-road Company*. Read in Senate, February 25, 1832, by Mr. Kerlin.

A minority of the committee, to whom was referred the petitions of sundry citizens of this commonwealth, praying that the same rates of toll may be charged on the Delaware division of the Pennsylvania canal as are charged by the Lehigh Coal and Navigation company for the use of the Lehigh canal, and praying for additional privileges to be granted to the Beaver Meadow Rail-road and coal company: Report, That the origin and progress of the Lehigh Coal and Navigation company appears to have been as follows:

In the year 1817, Josiah White and Erskine Hazard were manufacturing wire at the falls of Schuylkill, near Philadelphia, and finding the use of anthracite coal, which they were then hauling by land, indispensable to their business, they concluded if the Schuylkill Navigation company would agree upon some reasonable toll to be assessed upon the article, that they would purchase a mine in Schuylkill county, and supply, not only themselves but others with coal. Upon application for this purpose to the president of that company, they were told that the law had fixed the toll, and the company could not alter it. They found that this toll would amount to thirty cents a bushel, and told the president that it would come cheaper than that down the Lehigh.



Josiah White was immediately despatched to that river, to judge of its situation, and ascertain the state of the mines, and G. F. A. Hauto, who was disengaged, offered to accompany him: they found that the whole country from Lehighton to Stoddartsville, was a complete wilderness, there being only those improvements in the whole, and that there had been *five laws* passed by the legislature for the improvement of the Lehigh by incorporated companies, one of which granted them *lottery privileges*, and the general appropriation bill allotted thirty thousand dollars for a subscription by the state to the last corporation that was authorized. This last act had expired *by its own limitation*, a short time previously, and the idea of improving the navigation on the Lehigh was entirely abandoned, after much money had been expended by the different companies formed under the above mentioned acts. The mines now owned by the Lehigh Coal and Navigation company, were at that time owned by an association formed in the year 1792, who had expended all their capital in endeavoring to get the coal to market; and a lease they had granted to Charles Miner, Esq. (of the Village Record,) Jacob Cist, of Wilkesbarre, and a Wm. Robinson, for ten years, on the sole condition that they should send from the mines to Philadelphia, for their own benefit, 10,000 bushels of the coal each year, had been forfeited by non-user, as had also been two previous leases, on the same favorable terms, to other persons. Under these unpropitious circumstances, these three individuals, (White, Hazard, and Hauto,) determined upon applying to the association for a lease of the mines, and to the legislature for a law to improve the navigation of the Lehigh, both of which were obtained.

By the act of 20th March, 1818, White, Hauto, and Hazard were invested with a *fee simple* in the river Lehigh, with liberty to collect certain tolls, provided, within the time limited by the act, they completed a descending navigation once in three days, for boats carrying ten tons, or 100 barrels, and if that kind of navigation was deemed insufficient, the legislature might give them notice to convert the same into a slackwater navigation. Under this act, White and Hazard went to work and levelled the river and a road to the coal mines. An attempt was then made to form a Navigation and Coal company. A deputation of persons disposed to subscribe went to see if things were properly represented, they reported that the river might be improved on the plan proposed by White and Hazard, and that there was plenty of coal; but that the country was so rough it was impossible a good road could be made to it, which of course put an end to that association. A successful attempt was then made to get up the Lehigh Navigation company, and a capital of \$50,000 subscribed. In August of that year they commenced operations, by improving the channels, which were continued with every appearance of success, till the summer of 1819, when the water became so low that it was apparent a different plan of improvement must be resorted to. In the mean time the Lehigh Coal company had been created, and a portion of their capital expended in making a turnpike to the mine. It was now evident that the capital would be insufficient for the purpose of constructing dams and gates to hold a sufficient quantity of water to make artificial freshets in the improved channels, as often as the law required, and the two companies, after much difficulty, agreed to unite under the name of the Lehigh Navigation and Coal company, provided \$20,000 of additional capital could be subscribed. Of this sum White and Hazard, (they having previously purchased Hauto's interest,) were obliged to subscribe \$12,000, as the public had no confidence in the undertaking. This amount was also found insufficient. It was necessary to increase the capital stock by the admission of new subscribers, and the style of the association was changed to the Lehigh coal and Navigation company; but in order to induce a new subscription of \$50,000 to the stock, White and Hazard

found it necessary to offer the subscribers a bonus of \$10,000 out of their private funds, which they actually paid.

It was at length found impossible for an *un-incorporated* institution to raise the amount of money necessary to complete the navigation, and the legislature in 1822, granted them a charter by which the rights formerly vested in White, Hauto and Hazard, were confirmed to the company. For this grant the company yielded the right of charging two-thirds of the toll, which they were authorized to charge under the act of 1818. Under these acts a canal has been constructed which does honor to the state, and has been spoken of in terms of high commendation by all who have seen it. It extends from Easton to Mauch Chunk, a distance of 46½ miles, and within one mile of the highest point on the Lehigh, to which the canal could be extended under the existing acts of Assembly.

The Lehigh canal has produced a complete revolution in the country through which it passes. Since the year 1818, it has caused a constant stream of wealth to flow into the adjoining counties, amounting in the whole to upwards of three and a half millions of dollars; and this stream will never be checked or turned while the neighbouring mountains continue to contain coal. The people of those counties, from a state of almost bankruptcy, have risen into opulence; all can procure employment and a ready market for whatever they produce. The lands along the Lehigh, which at the commencement of the improvement could be purchased at from 6 to 10 cents an acre, now command as many dollars; and the Beaver Meadow coal mine, the speculators in which are now so clamorous, owes its whole value to the navigation, for previously it was beyond the profitable reach of man. Your committee are of opinion that the memorialists were misled by the representations of the Beaver Meadow company, when they state that the present tolls on the Lehigh operate as a prohibition to any other coal passing on it than that belonging to the Lehigh Coal and Navigation company, as the following calculation will show that it can be taken to market at a handsome profit, viz:

Quarrying or mining, (price paid on Lehigh and Schuylkill,)	50
Hauling by rail-road 20 miles, to Mauch Chunk, at 5 cents per ton,	1 00
Toll on Lehigh,	1 04
Toll on Delaware,	30
Freight from Mauch Chunk to Philadelphia, contract price,	1 12
Amount,	\$3 96
Wholesale price at Philadelphia,	5 00
Leaving a nett proceed of	\$1 04

Which must leave to them a greater profit than the Lehigh company made last year on their coal, since the interest of the cost of the canal, (\$90,000,) operated upon them as a toll of \$2 25 on every ton they sent to market. The Beaver Meadow company have, therefore, no right to complain—but had the case been otherwise, unless the Lehigh company exceed the limits defined by the act of incorporation, they get no more than the boon which was held out to them by the legislature, as the reward of their patient and enduring perseverance in a herculean undertaking, subject to every discouragement. But far from grasping at all within their reach, as represented by the memorialists, the company permitted the free use of their navigation to the public, and to the predecessors of the Beaver Meadow company, for some years, after they were authorized to collect tolls upon it. Even at the present time, they charge on anthracite coal but 1½ cents, where the law allows them 2½ cents. They are acting agreeably to and within their contract; and there is no reason why Pennsylvania shall be called upon to *adopt expedients to compel*



the Lehigh Coal and Navigation company to change the terms of a contract, which, while making, were considered as altogether to the interest of the state, and to the certain ruin of the other contracting party. No, if it turn out to be a good bargain the company is entitled to the benefit of it. The commonwealth is also benefited by their prosperity. Your committee have ascertained that the Lehigh Coal and Navigation company have charged for their coal, during the last year, at Easton, \$4 per ton; and at all intermediate points along the Delaware between Easton and Philadelphia, \$4 75 per ton; and at Philadelphia, \$5 per ton by the cargo, and \$5 50 by retail; that they paid their boatmen, on the Delaware, the same price, for any portion of the distance along the river, as for the whole distance; and that in consequence of the lumber of the boats bringing a better price in Philadelphia than any where above it, they lost more than the difference in the prices of the coal, by selling it short of that market. The memorialists have therefore dealt *unfairly* with the Lehigh company, by stating that the Mauch Chunk coal "was sold at New Hope, on the Delaware, sixty miles by water above Philadelphia, this last season, at higher prices than it was at the same time selling for in Philadelphia, where it is met by competition with the Schuylkill coal." If persons, who purchase the coal from the Mauch Chunk company, choose to retail at higher prices than the Lehigh coal sells for in Philadelphia, this is surely not the fault of the Lehigh Coal and Navigation company.

That company stand charged by the memorialists with a monopolizing spirit. The history of the last and previous seasons fully prove, to the satisfaction of your committee, that if they do wish a monopoly, they wish to obtain it by supplying the public with coal at a *cheaper rate than any other dealers*. Their public advertisements in the newspapers show, that they continued, during the intensely cold weather, to sell their coal at five dollars and fifty cents, the same rates as in the summer, while their competitors on the Schuylkill refused their's at less than \$10. This is corroborated in the minds of your committee, by an assurance from one of the guardians of the poor of Philadelphia, who happened to be in this town, that the Lehigh Coal and Navigation company had, in the month of December last, supplied the Philadelphia almshouse with 100 tons of coal, at five dollars and fifty cents, while at the same time they were asked \$9 to \$10 for Schuylkill coal by every other dealer. They truly have but poor encouragement for such sacrifices, if at the moment they are making them, interested speculators can with impunity charge them before the legislature with monopoly and extortion, and excite popular feeling against them by misrepresentation and clamor.

Your committee have thought it but justice, while they are examining complaints against one company, and find them perfectly unfounded, to examine also the nature and condition of the company which, for three years, has importuned the legislature with these misrepresentations, and in whose favor such unprecedented privileges are asked by the memorialists. They now lay before you the result of their inquiries. Joseph Barnes made an agreement with Nathan Beach and others, having adverse claims to title, which resulted in the Beaver Meadow coal mine tract coming into the possession of said Barnes, who mortgaged it to the Farmers' and Mechanics' Bank of the city of Philadelphia, for about \$23,000, which mortgage has not since been removed. In 1830, as the legislature were willing to grant incorporations for rail-roads and not for coal companies, application was made for the incorporation of the Beaver Meadow rail-road company, who, as a compensation for making a rail-road from their own mines to the river Lehigh, were to have the privilege annexed of owning and working 200 acres of coal land, with the usual appurtenances of a coal company. The act was passed, and the following correspondence be-

tween Samuel M'Kean, Esq. and John Conard, took place, which of itself shows the nature of the Beaver Meadow company.

The following certificates were enclosed in a letter from John Conard, of 3d July, 1830, to the Secretary of the Commonwealth, with a request that the letters patent should issue.

## COPY.

FARMERS' & MECHANICS' BANK, }  
Philadelphia, July 3d, 1830. }

I certify that there is on this day five thousand dollars in this Bank, at the credit of the account of the president and directors of the Beaver Meadow rail-road and coal company.

Signed,

WM. PATTON, jr. *Cashier*.

## COPY.

We, whose names are hereto subscribed, commissioners appointed by act of Assembly dated seventh day of April, 1830, entitled "An act to incorporate the Beaver Meadow rail-road and coal company," certify to his Excellency the Governor, according to the provisions of the second section of the said act, that books were opened at Philadelphia and Easton, to receive subscriptions in compliance with the directions of the act; that one thousand shares of the stock of the company have been actually subscribed—and five dollars on each share of the said one thousand shares have been paid by Samuel V. Merrick, Joseph Barnes and others; and that five thousand dollars, being five hundred dollars on each share of the said one thousand shares are deposited in the Farmers' and Mechanics' Bank in the city of Philadelphia, on behalf of the president and directors of the Beaver rail-road and coal company, as appears by the annexed certificate.

Signed,

JOEL JONES,  
JOHN CONARD,  
JNO. PURDON,  
S. BADGER,  
*Commissioners*.

To be incorporated in the names of Samuel V. Merrick, Joseph Barnes, John Conard and others.

Joel Jones, one of the commissioners appointed by the within mentioned act, being duly sworn says, that books were opened for subscription of the within mentioned stock at Easton, in the county of Northampton, and that five shares thereof were there subscribed, and five dollars were paid on each share, and the residue of the facts within stated, upon the representation to him made, he believes also to be true.

Signed,

JOEL JONES.

Sworn and subscribed the 3d day of July, 1830, before me,  
WM. DUANE, *Alderman*.

John Conard, one of the commissioners appointed by the within mentioned act, being duly affirmed according to law, doth declare and say, that books were opened for subscriptions of the within stock, at the coffee house in the city of Philadelphia, agreeably to the said act, and that one thousand shares thereof, were subscribed, and five dollars were paid on each share, and deposited in the Farmers' and Mechanics' Bank, agreeably to the annexed certificate.

JOHN CONARD.

Affirmed and subscribed this 3d day of July, 1830,  
JOS. BARNES.

DEPARTMENT OF STATE, }  
Harrisburg, July 6th, 1830. }

SIR:—Your letter of the 3d instant was received this morning, and has been submitted to the Governor. In order to incorporate the "subscribers" to the stock of



the Beaver Meadow Rail-road company, it will be necessary to know their names, with the number of shares subscribed by each. The Governor would prefer, (although not indispensably necessary,) that a majority of the seven commissioners named in the law, would sign the certificate. Your enclosure is herewith returned; as soon as it is forwarded in the corrected form the Governor will direct the charter to issue.

I am respectfully, your obedient servant,

S. McKEAN.

JOHN CONARD, Esq. Philadelphia.

*Philadelphia, 12th July, 1830.*

SIR—Your letter of the sixth instant is received, returning the certificate of the commissioners of the Beaver Meadow rail-road and coal company. I have procured two more names to the certificate, which make altogether a majority of the commissioners.

The subscribers in Philadelphia are as follows: Samuel V. Merrick, 1000 shares; Joseph Barnes, 2500 shares; John Conard, 100 shares, and Benjamin S. Janney 2 shares, which makes altogether upwards of 1000, the number required by law to authorize the letters patent to issue. There are more shares subscribed in other places, but we have not the books here, and cannot insert their names or number of shares. It has been usual, I believe, to insert in the letters, but two or three of the first named subscribers, and we wish in this case, the two or three first named to be inserted. It would take time to procure the books from Northampton, and as the season is so far advanced, we are anxious to be organized as early as possible, so as not to lose the summer. We hope the names inserted above, will be sufficient to authorize the issuing of the letters patent. They are all the subscribers in the city.

Respectfully, your obedient servant,

JOHN CONARD.

SAMUEL McKEAN, Esq.

Secretary of the Commonwealth.

P. S. Five shares more, as is understood, are all that are subscribed, but we have not the names.

SECRETARY'S OFFICE, 2

*Harrisburg, July 14, 1830.*

SIR—If the facts stated in your letter of the 12th instant, were embodied in the certificate signed by the commissioners, it would come under the provisions of the law. It has not been usual to issue charters, without having the whole number of subscribers named. In order to show the difficulty at once, I give you the necessary form of that part of your charter:

“And whereas Joel Jones, John Conard, John Purdon and Samuel Badger, a majority of the commissioners named in the said act of the General Assembly, to receive subscriptions to the stock of the said company, aforesaid, have certified to me in writing, under their respective hands, and under oath, that the following named persons have subscribed the number of shares of the said stock set opposite to their names respectively; that is to say, Samuel V. Merrick, one thousand shares, Joseph Barnes, two thousand five hundred shares; John Conard, one hundred shares, and Benjamin S. Janney, two shares—amounting in the whole to three thousand six hundred and two shares. And it is also further certified to me by the said commissioners, that the sum of five dollars on each and every of the above mentioned shares, was paid to them at the time of making the said subscriptions, &c.”

The Governor regrets the delay occasioned by the want of the necessary certificate, but is nevertheless confident that you would prefer that the charter should be issued in accordance with the provisions of the law, and not in a defective form.

Very respectfully,

Your obedient servant.

JAMES TRIMBLE,

*Deputy Secretary.*

JOHN CONARD, Esq.

*Philadelphia, July 6th, 1830.*

SIR—Your letter of the 14th instant was duly received, and the commissioners regret they should have given so much trouble in consequence of not understanding the necessary form of the certificate. They had pursued as near as practicable the letter of the law, which enacts “that when one thousand shares shall be subscribed, and five dollars paid on each share, and the fact of such subscription being certified to the Governor,” letters should issue, &c. We have now, however, made the certificate to conform to the one given, but we are not able to get Mr. Jones's name to it, as he is now in Easton, and Mr. Holgate is up at Wilkesbarre, and will probably not return under two or three weeks. We have therefore only the names that are here. The law appears to us to authorize any two of the commissioners to act, and we hope it will be sufficient.

It will be seen that Joseph Barnes's subscription of 2500 shares is omitted, and the reason is that no money was paid by him, and therefore in this stage of the business goes for nothing. It was agreed between him and the other subscribers, that he should subscribe the nine, as the proprietor for so many shares and as was put down accordingly. This can be arranged with the company when organized, and his name is left off for the present. I send the original certificate, which is signed by Mr. Jones, and may be added to the present one if thought necessary.

I remain, very respectfully,

Your obedient

JOHN CONARD.

*To the Secretary of the Commonwealth.*

We whose names are hereunto subscribed, commissioners appointed by act of Assembly, passed the 7th day of April, 1830, entitled “An act to incorporate the Beaver Meadow Rail-road and Coal company,” certify to his excellency the Governor of the commonwealth of Pennsylvania, that books were opened according to the provisions of the second section of the said act, for subscription to the stock of the said company, and that the following named persons have subscribed the number of shares set opposite to their names respectively: That is to say, Samuel V. Merrick one thousand shares, John Conard one hundred shares, and Benjamin S. Janney two shares, amounting in the whole to one thousand one hundred and two shares, and that the sum of five dollars on each and every of the above mentioned shares were paid to them by the subscribers at the time of making such subscription.

JNO. PURDON,

S. BADGER,

JOHN CONARD,

*Commissioners.*

*Philadelphia, 16th July, 1830.*

*City of Philadelphia, Set.*

Be it known, that on this sixteenth day of July, 1830, personally appeared John Purdon, John Conard, Samuel Badger, the three commissioners above named, before me the subscriber, one of the Aldermen of the city of Philadelphia, and being respectively sworn or affirmed, did declare that the facts set forth in the above written certificate, by them signed, were true.

Witness my hand and seal,

GEORGE BARTRAM, *Alderman.* [SEAL.]

The patent was forwarded, but the fees still remain unpaid, notwithstanding a renewed application was made for the amount in November last.

From this it appears that there were two certificates furnished by the commissioners; the first of these says, that one thousand shares was subscribed by *Joseph Barnes* and others—that five dollars was paid by them on each share, at the time of subscribing.

The second makes out the whole one thousand shares, without mentioning *Joseph Barnes* at all; and one of the



commissioners in his letter of 16th, says, that "*no money was paid*" by him; although in the first certificates he declares *it was*.

John Conard's letter of 12th, states there were 3602 shares subscribed, and the first certificate 1000 shares, and that the money was deposited in the Farmers' and Mechanics' Bank. The bank certifies a credit to the "*account*" of the company, of but \$5000. What became of the \$5 per share which by law were required to be paid and certified on Conard and Janney's subscriptions?

But your committee have noticed enough incongruities in this correspondence to show that considerable management and contradiction took place in the commencement of this institution. From other sources information has reached the committee, from which they are led to believe that the following will appear to be the facts of the case, if an inquiry be instituted.

That Joseph Barnes and John Conard were jointly interested in the Beaver Meadow speculation; that upon the passage of the law, an arrangement was made for a *sham* subscription to the stock; that Barnes made an arrangement with Merrick, to subscribe 1000 shares, without paying one cent for them, and under a stipulation that he at least should not be a loser by it; that the property is not to this day cleared from the incumbrance of the mortgage, and therefore that it still stands in the name of Barnes, and that the company now has only a conditional existence; and finally, that the certificate given by the cashier of the Farmers' and Mechanics' Bank was not predicated on *money* deposited there by the commissioners of the Beaver Meadow Rail-road and Coal company, but upon the deposit of a note for \$5000, which was merely passed to their credit for the express purpose of being the foundation of that certificate; and the company never had authority to draw for any portion of it on the bank.

*From the Blairsville Record.*

#### SKETCHES, No. 1,

#### *Of the Life, and Military and Hunting Adventures of* CAPT. SAMUEL BRADY.

Who has not heard of Brady, Captain of the Spies? Of his perilous adventures by field and flood! Of his hair-breadth escapes in the imminent deadly breach? Of his chivalrous courage? Of his unmatched personal activity?—Yet where do we read his history?—It is to be learned only from the aged settlers of Western Pennsylvania, or peradventure, from a time-worn Ranger: for a few of Brady's warriors still survive.

Actuated by a desire to preserve from oblivion, such portions of his life and actions as may yet be obtained, I have made several attempts to procure from individuals the most interesting events in his military career, but hitherto without success. At length an aged friend has kindly offered to furnish such details as an intimate acquaintance with Captain Brady, enables him to give. We trust that the subject will be deemed of such interest that others will contribute their mite, and that a historian will yet be found to place Brady of the Rangers by the side of Wayne, Marion, Lee of the Legion, and other distinguished patriots, whose memories are immortal.

He is emphatically the Hero of Western Pennsylvania; and future bards of this region, when time shall have mellowed the facts of history, will find his name the personification of all that was fearless and fruitful of resources in the hour of danger. His the step that faltered not; the eye that quailed not, even in the terrific scenes of Indian warfare. Many a mother has quieted the fears and lulled to sleep her infant family, by the assurance, that the broad Allegheny, then the dividing line between the Indians, was watched by the

gallant Captain and his rangers; and to their apprehensions of death or captivity by the Indians, has replied encouragingly, "They dare not move on the river, for there lies Brady and the rangers."

In this number of my sketches, I can give little more than an introduction to the subject.

John Brady, the father of Capt. Samuel Brady, was born in the state of Delaware, A. D. 1733. Hugh Brady, the father of John had emigrated from Ireland. At a very early period Hugh Brady settled within five miles of where Shippensburg now stands. The country was then a wilderness, thinly settled by Irish emigrants, simple, sincere, and religious. Many anecdotes are recollected, evincive of this, but they would be out of place here.

During the French and Indian wars, that part of the country was much harassed by the Indians. John Brady and several other young men had been active against them; and as a mark and reward of merit, he was appointed a Captain in the provincial line, which at that time was no small distinction. He married Mary Quigly: and Samuel, their first child, was born in the town of Shippensburg, A. D. 1758.

After the war and a purchase had been made from the Indians in 1758, John Brady moved with his family to the west branch of the Susquehanna, where Samuel resided with him until June 1775. Capt. John Lowden, a widower, raised a company of volunteer riflemen, seventy in number, and all unmarried, and marched to Boston. Samuel Brady was one of this band, and the Captain intended that he should be an officer, but his father objected, saying, "let him first learn the duty of a soldier, and then he will know how to act as an officer."

While the riflemen lay in the "Leaguer of Boston," frequent skirmishes took place. On one occasion, Lowden was ordered to select some able bodied men, and wade to an island, when the tide was out, and drive off some cattle belonging to the British. He was considered too young for this service, and left him out of the selection; but to his astonishment found Brady was the second man on the island and behaved most gallantly.

On another occasion, he was sitting on a fence, with his Captain, viewing the British works, when a cannon ball struck the fence under them. Brady was first up, caught the Captain in his arms and raised him, saying with great composure, "we are not hurt Captain." Many like instances of his coolness happened while the army lay at Boston.

In 1776, S. Brady was appointed a First Lieutenant in Captain Thomas Doyle's company, raised in Lancaster county. He continued with the army and was in all the principal engagements, until after the battle of Monmouth, when he was promoted to a Captaincy, and ordered to the west under Gen. Broadhead. On their march he had leave to visit his friends in Northumberland county. His father in 1776 had accepted a Captaincy in the 12th Pennsylvania regiment, was badly wounded at the battle of the Brandywine, and was then at home. Whilst there he heard of his brother's death, who had been murdered by the Indians on the 9th day of August, 1778. He remained at his father's until the beginning of 1779, when he started for Pittsburg and joined his regiment.

Shortly after he had arrived at Pittsburg, he heard the news of his father being murdered by the Indians on the 11th day of April 1779. He then vowed vengeance against *all Indians*, and he never altered his mind. Here commences his western exploits, which must be the subject of another paper.

At the battle of Princeton he was under Col. Hand of Lancaster, and had advanced too far; they were nearly surrounded. Brady cut a horse out of a team, got his Colonel on, jumped on behind him and made their escape.

At the massacre at Paoli, Brady had been on guard, and had laid down with his blanket buckled round him.



The British were nearly on them before the sentinel fired. Brady had to run; he tried to get clear of his blanket coat, but could not. As he jumped a post and rail fence, a British soldier struck at him with his bayonet and pinned the blanket to the rail, but so near the edge that it tore out. He dashed on, a horseman overtook him and ordered him to stop. Brady wheeled, shot him down and ran on. He got into a small swamp in a field. He knew of no person but one being in it besides himself; but in the morning there were fifty-five, one of whom was a Lieutenant. They compared commissions; Brady's was the oldest: he took the command and marched them to head quarters.

#### No. II.

In 1780 a small fort within the present limits of Pittsburg, was the head quarters of Gen. Broadhead; who was charged with the defence of this quarter of the frontier. The country north and west of the Allegheny river was in the possession of the Indians; for that river was not "the line between the Indians," as I am made to say in my first number by a misprint of the Record, but between the *Indians and Whites*.

General Washington whose comprehensive sagacity foresaw and provided against all dangers that menaced the country, wrote to Gen. Broadhead to select a suitable officer and despatch him to Sandusky, for the purpose of examining the place and ascertaining the force of British and Indians assembled there, with a view to measures of preparation and defence, against the depredations and attacks to be expected from thence.

General Broadhead had no hesitation in making the selection of an officer qualified for this difficult and dangerous duty. He sent for Capt. Brady, showed him Washington's letter, and a draft or map of the country he must traverse; very defective as Brady afterwards discovered, but the best no doubt, that could be obtained at that time.

Captain Brady was not insensible to the danger, or ignorant of the difficulty of the enterprise. But he saw the anxiety of the father of his country to procure information that could only be obtained by this perilous mode; and knew its importance. His own danger was of inferior consideration. The appointment was accepted, and selecting a few soldiers, and four Chickasaw Indians as guides, he crossed the Allegheny river and was at once in the enemy's country.

It was in May, 1780, that he commenced his march. The season was uncommonly wet. Every considerable stream was swollen, neither road, bridge, or house facilitated their march, or shielded their repose. Part of their provision was picked up by the way as they crept, rather than marched through the wilderness by night, and lay concealed in its brambles by day. The slightest trace of his movement, the print of a white man's foot on the sand of a river, might have occasioned the extermination of the party. Brady was versed in all the wiles of Indian "strategic," and, dressed in the full war dress of an Indian warrior, and well acquainted with their languages, he led his band in safety near to the Sandusky towns, without seeing a hostile Indian.

The night before he reached Sandusky he saw a fire; approached it and found two squaws reposing beside it. He passed on without molesting them. But his Chickasaws now deserted. This was alarming, for it was probable they had gone over to the enemy. However, he determined to proceed. With a full knowledge of the horrible death that awaited him if taken prisoner, he passed on, until he stood beside the town on the bank of the river.

His first care was to provide a secure place of concealment for his men. When this was effected, having selected one man as the companion of his future adventures, he waded the river to an island partially covered with driftwood, opposite the town, where he concealed himself and comrade for the night.

Leonidas was brave, and in obedience to the institution

of his country, he courted death and found it in the pass of Thermopylae. But he was surrounded by his three hundred Spartans, and cheered by the Spartan Battle hymn, mingled in concert with the sweet tones of the flute.

Napoleon was brave, but his bravest acts were performed in the presence of embattled thousands: and when at the bridge of Lodi, he snatched the tri-colour from its terrified bearer, and uttering the war cry of his enthusiastic soldiers, "Vive la Republique," he breasted the fire of thirty pieces of Austrian cannon, and planted it in the midst of his enemies; he was seen and followed by the gallant remains of the consular guard, and lauded with the cries and tears of his whole army.

In constancy of purpose, in cool deliberate courage, the Captain of the Rangers will compare with the examples quoted, or any other. Neither banner nor pennon waved over him. He was hundreds of miles in the heart of an enemy's country. An enemy who, had they possessed it, would have given his weight in gold for the pleasure of burning him to death with a slow fire; adding to his torments both mental and physical, every ingredient that savage ingenuity could supply.

Who has poetry of feeling, or feeling of poetry, but must pause over such a scene, and in imagination contemplate its features?

The murmuring river; the Indian village wrapped in sleep; the sylvan landscape; as each was gazed upon by that lonely but dauntless warrior! in the still midnight hour.

The next morning a dense fog spread over the hill and dale, town and river. All was hid from Brady's eyes, save the logs and brush around him. About 11 o'clock it cleared off, and afforded him a view of about three thousand Indians engaged in the amusement of the race ground.

They had just returned from Virginia or Kentucky, with some very fine horses. One grey horse in particular attracted his notice. He won every race until near evening, when, as if envious of his speed, two riders were placed on him, and thus he was beaten. The starting post was only a few rods above where Brady lay, and he had a pretty fair chance of enjoying the amusement, without the risk of losing any thing by betting on the race.

He made such observation through the day as was in his power, waded out from the island at night, collected his men, went to the Indian camp he had seen as he came out; the squaws were still there, took them prisoners, and continued his march homeward.

The map furnished by Gen. Broadhead, was found to be defective. The distance was represented to be much less than it really was. The provisions and ammunition of the men were exhausted by the time they had reached the Big Beaver, on their return. Brady shot an otter, but could not eat it. The last load was in his rifle. They arrived at an old encampment, and found plenty of strawberries which they stopped to appease their hunger with. Having discovered a deer track, Brady followed it, telling the men he would perhaps get a shot at it. He had went but a few rods when he saw the deer standing broadside to him. He raised his rifle and attempted to fire, but it flashed in the pan; and he had not a priming of powder. He sat down, picked the touch hole, and then started on. After going a short distance the path made a bend, and he saw before him a large Indian on horseback, with a white child before and its mother behind him on the horse, and a number of warriors marching in the rear. His first impulse was to shoot the Indian on horseback, but as he raised the rifle he observed the child's head to roll with the motion of the horse. It was fast asleep, and tied to the Indian. He stepped behind the root of a tree and waited until he could shoot the Indian, without danger to the child or its mother.

My paper is full, I must resume the narrative in a future number.



No. III.

When he considered the chance certain he shot the Indian who fell from the horse, and the child and its mother fell with him. Brady called to his men with a voice that made the forest ring, to surround the Indians and give them a general fire. He sprung to the fallen Indian's powder horn, but could not pull it off. Being dressed like an Indian, the woman thought he was one, and said, "why did you shoot your brother?" He caught up the child, saying, "Jenny Stupes, I am Capt. Brady, follow me and I will save you and your child." He caught her hand in his, carrying the child under the other arm, and dashed into the brush. Many guns were fired at him by this time, but no ball harmed him, and the Indians dreading an ambuscade, were glad to make off. The next day he arrived at fort M'Intosh with the woman and her child. His men had got there before him. They had heard his war whoop and knew it was Indians they had encountered, but having no ammunition, they had taken to their heels and ran off. The squaws he had taken at Sandusky, availing themselves of the panic, had also made their escape.

In those days Indian fashions prevailed in some measure with the whites, at least with Rangers. Brady was desirous of seeing the Indian he had shot, and the officer in command of fort M'Intosh gave him some men in addition to his own, and he returned to search for the body. The place where he had fallen was discovered, but nothing more. No pains were spared to search, but the body was not found. They were about to quit the place, when the yell of a *pet* Indian that came with them from the fort, called them to a little glade, where the grave was discovered. The Indians had interred their dead brother there, carefully replacing the sod in the neatest manner. They had also cut brushes and stuck them into the ground; but the brushes had withered, and instead of concealing the grave, they led to the discovery.

He was buried about two feet deep, with all his implements of war about him.

"He lay like a warrior taking his rest,  
With his powder horn and pouch about him."

All his savage jewellery, his arms and ammunition were taken from him, and the scalp from the head, and then they left him thus stripped alone in his grave. It is painful to think of such things being done by American soldiers, but we cannot now know all the excusing circumstances that may have existed at the time. Perhaps the husband of this woman, the father of this child, was thus butchered before his wife and children; and the younger members of the family, unable to bear the fatigues of travelling, had their brains dashed out on the threshold. Such things were common, and a spirit of revenge was deeply seated in the breasts of the people of the frontiers. Capt. Brady's own family had heavily felt the merciless tomahawk. His brave and honoured father, and a beloved brother had been treacherously slain by the Indians, and he had vowed vengeance.

After refreshing himself and men, they went up to Pittsburg by water, where they were received with military honour. Minute guns were fired from the time Brady came in sight until he landed.

The Chickasaw Indians had returned to Pittsburg, and reported that the captain and his party had been cut off near Sandusky town by the Indians. When General Broadhead heard this, he said Brady was an aspiring young man and had solicited the command. But on Brady's arrival at Pittsburg, the general acknowledged that the captain had accepted the command with much diffidence.

Thus far I have followed the information of one who, I apprehend, had the best means of acquiring it. I now introduce an incident related to me of this same expedition, by a relative of Capt. Brady, who had it from the captain's own mouth. The respectability of the person who mentioned it to me, assures me of its correctness.

A few days after Brady left Sandusky with his squaw prisoners, keeping a sharp look out in expectation of being pursued, and taking every precaution to avoid pursuit, such as keeping on the driest ridges, walking on logs whenever they suited his course, he found he was followed by Indians. His practised eye would occasionally discover in the distance, an Indian hopping to or from a tree, or other screen, and advancing on his trail. After being satisfied of the fact, he stated it to his men, and told them no Indian could thus pursue him, after the precautions he had taken, without having a dog on his track. "I will stop," said Brady, "and shoot the dog, and then we can get along better."

He selected the root of a tall chestnut tree which had fallen westward, for his place of ambush. He walked from the west end of the tree or log to the east, and sat down in the pit made by the raising of the root. He had not been long there when a small slut mounted the log at the west end, and with her nose to the trunk approached him. Close behind her followed a plumed warrior. Brady had his choice. He preferred shooting the slut, which he did, she rolled off the log stone dead, and the warrior, with a loud whoop, sprung into the woods and disappeared. He was followed no further.

RISKEMINETAS.

METEOROLOGICAL REGISTER.

Extract from the Meteorological Register, taken at the  
State Capitol—Harrisburg, Pennsylvania,

BY JAMES WRIGHT, Librarian.

FEBRUARY, 1832.

Days of Week.	Thermometer.							Barometer.		WINDS.
	Days of the Month.	Morning temperature.	Noon temperature.	Night temperature.	Mean temp. of day	Highest in Morn.	Highest at Noon,	Highest in Even.	Mean height of Barometer each day	
Wednesd	1	24	36	37	32	29.63	79	70	29.67	N E
Thursd'y	2	35	45	48	42	69	73	75	72	N
Friday	3	42	55	55	50	73	76	76	75	N W
Saturday	4	47	46	40	44	74	74	70	72	N
Sunday	5	35	34	30	33	68	69	67	68	N W
Monday	6	23	31	33	29	66	70	76	70	S E
Tuesday	7	36	44	42	40	70	72	73	71	N
Wednesd	8	32	35	33	33	69	70	70	69	E
Thursd'y	9	30	36	34	33	68	69	68	68	E
Friday	10	35	37	35	35	70	70	71	70	N W
Saturday	11	30	38	37	35	68	68	70	68	S E
Sunday	12	43	43	45	43	70	70	70	70	S W
Monday	13	30	34	36	33	68	68	69	68	N W
Tuesday	14	33	38	35	35	69	69	69	69	E
Wednesd	15	37	43	45	41	70	72	73	72	E
Thursd'y	16	31	34	31	32	69	69	69	69	N
Friday	17	23	32	34	29	64	67	69	66	S W
Saturday	18	39	46	45	43	69	70	70	69	S W
Sunday	19	43	52	58	51	69	70	71	70	S E
Monday	20	42	38	34	38	67	65	65	65	N W
Tuesday	21	19	26	26	23	58	59	60	59	N W
Wednesd	22	23	35	38	32	60	65	67	64	S W
Thursd'y	23	36	43	43	40	65	68	68	67	S W
Friday	24	7	16	20	14	56	59	60	58	N W
Saturday	25	24	28	31	27	60	63	63	62	S E
Sunday	26	35	44	41	40	65	68	69	67	W
Monday	27	31	40	45	35	52	56	68	58	S E
Tuesday	28	38	48	43	41	67	67	68	67	S E
Wednesd	29	40	44	45	43	66	68	70	65	N W



Thermometer.		Barometer.	
Maximum on 3d,	50°	Maximum on 3d,	29.75 in
Minimum on 24th,	14°	Minimum on 24th,	58
Difference,	36°	Difference,	17 in
Mean,	38°	Mean,	67 in

## ATMOSPHERE.

Days of the month.										
1	2	10	13	21	22	24	26	27	29	10 part. clear part cloudy
3	5	7	14	16	17	18	23			8 Cloudy
4	8	9	11	19	20	25	28			8 Rain and sleet
6										1 Snow
12	15									2 Foggy

Days of the month.										Winds.
4	7	16								3 N
1										1 N E
8	9	14	15							4 E
6	11	19	25	27	28					6 S E
12	17	18	22	23						5 S W
26										1 W
2	3	5	10	13	20	21	24	29		9 N W

On the 19th in the evening the Thermometer at 58° highest.

On the 24th in the morning, Thermometer at 7° the Range 51° in the month.

On the 3d at noon, Barometer at 29.76 inches—the highest.

On the 27th in the morning, Barometer at 29.52 inches—the lowest.

Range 24 hundredths of an inch.

The wind has been 11 days east of the meridian—15 days west of it, and 3 days north.

This Report with the accompanying documents, was transferred by Gov. Vroom, to the Executive of this Commonwealth, on the 27th January last:—

## REPORT

*Of the Commissioners on the Wing-dam near New Hope.*

EXECUTIVE OFFICE, }  
Trenton, Feb 29, 1832. }

*To the General Assembly  
Of the State of New Jersey.*

Immediately after receiving a copy of the joint resolutions of the second December last, relative to the alleged obstructions in the river Delaware, I appointed John Kinney, jr. of the county of Warren, and Nathaniel Saxton, of the county of Hunterdon, agents, to ascertain the truth and causes of the matter complained of. These gentlemen executed the trust committed to them, with great promptitude and ability; and on the tenth of January, made to me a very ample and satisfactory report, clearly showing that the navigation of the Delaware was obstructed by the recent erection of a wing-dam in the river, near the village of New Hope, and that the said dam was erected under the authority of the Board of Canal Commissioners of Pennsylvania.

On receiving this report, I addressed a communication to the Governor of that state, calling his attention to the subject, and requesting that prompt measures might be taken to remove the obstruction; to this, no answer has been received.

A copy of the report, together with the documents accompanying the same; and also a copy of my communication to the Executive of Pennsylvania, are herewith transmitted.

P. D. VROOM.

*To his Excellency, Peter D. Vroom, Esquire, Governor  
of the State of New Jersey.*

The undersigned, agents, appointed by your Excel-

lency, in conformity with a resolution of the Council and General Assembly of the State of New Jersey, passed on the second day of December last, "to ascertain whether any wing or other dam has recently been built and erected, at or near Wells's Falls, in the river Delaware, on the Pennsylvania shore thereof, near to the town of New Hope, and if so, whether it does now, or from its location and dimensions may probably hereafter, materially interfere with and obstruct the free navigation of said river, and by whom, and by what authority, and for what purpose said dam has been erected," do respectfully report: "That as early as practicable, after the receipt of your Excellency's communication, they visited the point designated in the resolution, and ascertained, that a permanent wing-dam has lately been erected at Wells's Falls, in the river Delaware, adjacent to the Pennsylvania shore, below and near to the town of New Hope. The part completed, commences at the distance of about one hundred and ten to one hundred and fifteen feet out in the river, in a direction inclining a little up the stream, from the outer gate of the Union Mills, (which stand on the Pennsylvania shore between the canal and river,) about the middle of the descent, or from six hundred to eight hundred feet below the head of Wells's Falls. The end of the dam, next the shore, is secured by an erection, intended to protect the wheels and other works to be erected between that and the shore, from the ice, of about twenty-six feet front, and rising about four feet above the level of the dam, which, at this point, rises about four and a half feet above the present surface of the water below it.

From this point, the first reach of the dam, including the ice-fender, extends into the river in an oblique direction up the stream, at an angle of about 41° 30' with the pier, or walled embankment of the canal, on the Pennsylvania shore, above the mills, about two hundred and eighteen feet; at the termination of this extent, the level of the dam rises about three feet seven inches above the water below it. The second reach inclining still more up the stream, forming an angle of about 53° 15' with the embankment on shore, extends one hundred and fifty-six feet to a point in the river, about three hundred feet from the Pennsylvania shore, where, at present, the dam terminates, rising at that point, about two feet three inches above the surface of the water below it. The cap or summit of the dam is level, and there may be some inaccuracy as to its actual height above the water below it, arising from the Falls, as well as the river above, being almost entirely closed with ice at the time of the observation. The dam is constructed of timber and stone, substantially put down, secured, and planked, well calculated to endure and resist the action of the water and ice; of its position in the river and situation, in relation to the bank and improvements on shore, the annexed topographical sketch will afford a view.

Having understood, while making this examination, that the dam was constructed by Col. Torbert, under the direction of Lewis S. Coryell, Esq. of New Hope; the undersigned called on the latter, to procure information as to the occasion and purposes of its erection. He obligingly gave the information desired, and exhibited a number of documents relating thereto, furnishing full and authentic information on the subject, of which, that the matter might be correctly understood, he permitted copies to be taken; they appear in the appendix to this report.

Mr. Coryell stated, that by some inadvertence or want of information, as to the height of the water in the river at its lowest stages, the first level of this section of the Pennsylvania canal, from the combined locks below New Hope, (between that and Union Mills,) for about 8½ miles down towards Bristol, had been located with reference to the height of water in the river at the time, which was about three feet above low water mark. That when the river fell to its lowest stage, it was found



that the canal, which was intended to be supplied with water from the river, at this point, to the depth of four feet, could only be fed with water to the depth of eighteen inches. In consequence of which, and of its being ascertained that the waters of the Lehigh could not be brought to supply the canal further down than to this place, it became necessary to incur the expense of sinking the first level of the canal below this point, three feet, or resort to other means of supplying the canal with water, from this place down to Bristol. That among the powers delegated by the Commonwealth of Pennsylvania, to the board of canal commissioners, and duties with which they were charged, was that of supplying the canal with water; that under these circumstances, the board of canal commissioners, after considering the difficulties and expenses attending other modes of supplying the canal, and a part of that body viewing the site of the present dam, on the 6th of May last, adopted a resolution, 'directing the supervisor on this part of the canal, under the direction of the principal Assistant Engineer, to construct a wing-dam at Wells's Falls, in the Delaware river, in such manner as not to obstruct the navigation of the river, and erect a water wheel with such other fixtures as might be necessary to supply the canal with water, from the combined locks near New Hope to Bristol. That in obedience to, and under the authority of this resolution, he, as the principal Assistant Engineer, on this part of the canal, had caused the present dam to be erected; that in making this order, the board of canal commissioners merely intended to use a portion of the waters of the Delaware, to supply the canal, which it is was supposed they were authorized to do, and expressly disavowed any intention to infringe the compact between the two States, or obstruct the natural navigation of the river, but that, in executing the work, he had found it impracticable to comply with the strict letter of their resolution, by constructing the dam in such manner as not to interfere with the navigation of the river; that he was of opinion the dam would be productive of some inconvenience to the ascending navigation, which he thought would be diminished when the wing was continued up the river, as far as was contemplated, about 150 feet farther than it now extends, and might be entirely obviated by constructing a lock in the canal to communicate with the river below the falls; that he was not authorized to put a lock in the dam, and therefore, had made no provision for that purpose.

For a more detailed view of the particulars above alluded to, the undersigned refer to the document annexed.

Upon the important question, whether the wing-dam above mentioned, now does or hereafter may materially interfere with and obstruct the free navigation of the Delaware, the undersigned felt reluctant to decide, upon their own imperfect knowledge of the river, aided by the examination made, without availing themselves of all the information that could be obtained from a class of individuals, who, from their practical knowledge of the river and experience of the difficulties attending its navigation, are best able to form correct opinions on the subject; they, therefore, proceeded up the river, from place to place, and consulted a number of intelligent and experienced boatmen residing at different points, on both sides of the river, as far as Easton, among whom, they found a general conformity of opinion on all material points presented for their consideration, and on which their opinions were requested, such as usually results from a knowledge founded on practical experience.

They all concurred in declaring it to be their opinion, that at certain heights of water: that is, whenever the water in the river is above a boat fresh, or such height as enables them to carry down a full boat load, the present dam is a complete obstruction to boats ascending through the falls; that to approach it at such times is dangerous, and to pass it, impracticable. That this difficulty cannot be avoided when the Pennsylvania canal

is navigable, but by entering at Bristol and coming up the canal to the outlet at the head of Wells's. That although this may often be a convenient and sometimes a desirable channel for boats returning up the river, yet it is attended with inconvenience and delay to boats descending to any point between Wells's Falls and Bristol, which is the case with those engaged in stone hacking, and carrying coal, lime, &c., to intermediate points, after discharging their cargoes they have to proceed on down the river to Bristol, to get into the canal; and to all it occasions some additional expense which might frequently be avoided. That the difficulty created by the dam cannot be avoided in this way, or even by a lock communicating between the canal and the river below the falls, in those seasons of the year when the canal is closed and the natural navigation of the river open. That this is the case generally for some weeks in the spring and fall, and it often continues through the greater part of the winter. That the early navigation in the spring is important to those engaged in boating, and more so to their employers, particularly those dealing in flour or other produce, which generally commands the best price as soon as the ice breaks up and the river is navigable, before other communications open and foreign flour and produce gets into the market. That on such occasions, the boats up the river generally have full employment and others from below are often procured to come up and assist them. They farther state that the present dam, as far as it now extends, has produced a visible effect on the descending navigation of the river, through these falls. That it has occasioned a draft or current of water, setting across the channel towards the Jersey shore, which at certain heights of water is so strong as to occasion some difficulty in descending the falls, not experienced before, and although this is not very considerable at present, they are apprehensive, it may be increased by an extension of the wing of the present dam farther up the river,

The information obtained from the boatmen was reduced to writing at the times when communicated, and appears in the appendix to this report.

This investigation, having removed all doubts in their minds upon the subjects embraced in the Resolutions of the 2d of December last, to which their attention has been particularly directed—the undersigned, in obedience to your excellency's commands, do respectfully report:—That in the course of the last summer and fall, a wing-dam has been erected in Wells's Falls, in the river Delaware, on the Pennsylvania side thereof, nearly opposite the Union Mills, below and near the town of New Hope, by the supervisor, under the direction of the principal Assistant Engineer of the lower part of the Delaware division of the Pennsylvania canal, by authority, and in pursuance of a resolution of the board of Canal Commissioners of the Commonwealth of Pennsylvania, of the 6th of May last, for the purpose of creating a water power to propel a wheel, with such other fixtures as may be necessary to supply the canal with water from the combined locks near New Hope to Bristol. And, (they regret to be under the necessity of adding,) that at certain seasons of the year, and certain heights of water in said river, it does now and from its location and dimensions, will probably hereafter, materially interfere with and obstruct the free navigation of said river. All which is respectfully submitted,

Signed,

J. KINNEY, Jr.

NATHANIEL SAXTON.

Belvidere, January 10th, 1832.

MR. WOELFFER, Victualler, in the market, between Sixth and Seventh streets, brought to his stall lately, the suet of a well fed steer, which attracted some attention. The right kidney of the animal, and its suet, weighed between 15 and 20 pounds, we believe about the customary weight—but the left kidney and its suet of the same animal, weighed *one hundred and fifty five pounds!* which we believe is unprecedented in our markets.



## REPORT OF THE CANAL COMMISSIONERS.

*Report of the Canal Commissioners relative to amount paid for repairs upon the Pennsylvania canal and railroad. Read in the House of Representatives, March 6, 1832.*

JOHN LAPORTE, Esq.

*Speaker of the House of Representatives:*

SIR:—In compliance with the resolution of the House of Representatives of the 13th February last, instructing the board of canal commissioners "to report to the House with as little delay as may be, a statement of the amount of money expended in repairs on the different lines of the state canal and rail-road since the commencement of the present system of internal improvement, setting forth distinctly the sums thus expended on each division, the nature of the repairs, the number of times that repairs have been made on the same works, if more than once, the years in which the repairs were made, the sums, if any, yet due for repairs already made or begun, together with any other information that in their opinion may throw light on this subject; also, an estimate as near as can be made of the sum that will be necessary for repairs during the coming year," the following report is respectfully submitted:

It exhibits the actual payments made upon the several divisions of the canal and rail-road for repairs. And it may be proper to state that in the annual report of the board of the 15th December last, the statement of the sums expended for repairs during the year includes the amount of repairs made and consequently in some instances exceeds the amount paid.

The amount now due for repairs made is \$58,391 45. This sum, together with the sums necessary to repair the injuries which have been and may be sustained during the season by freshets, and to make the ordinary repairs during the coming year, require in the opinion of the board, that the appropriation to this object should not be limited to less than \$400,000. If this sum should exceed the necessary expenditures no more will be borrowed than may be required. The board will however here repeat a remark made in their annual report, that "while they are not disposed to doubt the wisdom of making specific appropriations for the construction of the several lines of canal and rail-road, yet they would respectfully suggest the propriety of making a general provision for repairs that may become necessary. A limited appropriation may often not be adequate to meet extraordinary exigencies, and for want of power in the fiscal officers of the government to grant relief, may be attended with disastrous consequences."

Prior to the appointment of supervisors, under the act of 6th April, 1830, the repairs made were paid by the acting commissioners and superintendents upon the several lines and the items were settled with the accountant department in the accounts for construction. The amount thus paid was annually reported to the board and the legislature, but the nature of the repairs made was not stated.

The supervisors are appointed by the board, but they settle their accounts with the Auditor General, under the provisions of the act authorizing their appointment. The mode of keeping their accounts is directed by that officer, and their accounts in detail are filed in his office.

Under these circumstances, the canal commissioners are not enabled to make a detailed statement of the nature of the repairs, they will however proceed, so far as it is in their power, to furnish the information required by the resolution.

The sums expended upon the Western division prior to the year 1830, to wit: in 1828, the sum of \$5667 59, and in 1829, the sum of \$32,179 69½ appear to have been applied to the repair of sections, aqueducts and dams. On the 21st of July, 1830, the board, after having viewed the division, were convinced that immediate and extensive repairs were necessary

between Blairsville and Pittsburg; they therefore directed the supervisors to draw the water from the canal on the 16th of August, and take immediate measures to make such repairs of the canal, locks, culverts, aqueducts, &c. as should be designated by the engineer, and deemed by him necessary to the security and complete navigation of the line. The principal part of the sum expended during the year was applied to the repairs thus ordered to be made, and amounted to \$51,836 79½.

The sum expended during the last year and up to the 9th February of this year, amounted to \$90,105 42, and was principally appropriated to repairing the injuries occasioned by the great flood of July last, to wit: the building of the Leechburg dam and guard lock, the repair of the Tub Mill aqueduct, the rebuilding the Stony run aqueduct, and the repairing and rebuilding of towing path bridges, walls and embankment.

The residue was applied to the ordinary repairs of the division. The whole amount paid for repairs upon this division, is \$179,789 50, and the amount due for repairs made, is \$19,472 98½ by the supervisors now in office. But a late supervisor having resigned about the time of completing the Leechburg dam, and after the funds for repairs were exhausted, his accounts have not therefore, been settled, the advances he may have made (and which will be a charge on the commonwealth) are not included in the above sum.

The expenditures of 1829, upon the Juniata division, for repairs, amounted to \$8,126 51, and was applied to the ordinary repairs of new work upon the Lewistown line.

In 1830 it became necessary to repair the dam at North's island; a counter dam was constructed below the western wing, and an apron added to the eastern wing. The river lock at the dam proved defective, and a new one was constructed. The abutments of the dam at the head of the long narrows, had given way and the river lock at the dam was materially injured, and the pier head and embankment between the lock and the dam were wholly destroyed by the ice freshet; all these were repaired, as also a number of breaches in the canal, defective culverts, aqueducts, and other incidental work. The amount expended for repairs upon this division in the year 1830 amounted to \$76,502 31½.

During the last year the water was admitted into the Huntingdon line, which being new, required the expenditure of a considerable sum to put it in navigable order.

The expenditures upon the division in addition, consisted of the repairing of a large culvert near Waynesburg, which had failed. The work necessary to the protection of one of the abutments of the dam in the long narrows; the repairing and raising the embankment of the canal in the long narrows, the construction of waste weirs around the locks, and for the safety of the levels, the raising the eastern wing of the dam at North's island, which had sunk, being undermined by the overfall of water; constructing a pier at the pool of this dam for the support of the rope used for passing boats across the river, and generally of repairing breaches and stopping leaks in the canal. The amount paid for repairs upon this division in the last year and up to the 9th of February, 1832, is \$63,347 95, and the amount due for repairs made, is \$6,061 61.

The whole amount paid for repairs upon this division is \$147,976 77½.

The expenditures upon the Eastern division in 1829, amounted to \$15,810 93½ and consisted of repairs of aqueducts and culverts and gravelling the bottom of the canals along the Red Hill, and the Kittickinney mountain, and repairing the dam at Duncan's island which at that time was entirely composed of stone promiscuously thrown together, and which had been lowered by the operation of the water and ice.

In 1830, the expenditures amounted to \$39,904 43. In this year a new crib dam, abutments and guard wall were constructed across the river Susquehanna, at Dun-



can's island, in the room of the stone dam above alluded to. In the month of June of this year, the duties of the supervisor upon this division was extended to Montgomery's lock, upon the Susquehanna division; consequently the expenses of the supervisor embrace the repairs from Middletown to that point, a distance of about 33 miles. On the Susquehanna part of this supervisorship, there were several failures of culverts, some of which were occasioned by the water in the canal, and others by the floods in the mountain streams.

In 1831, the expenditures amounted to \$11,709 49½. The repairs were ordinary, consisting of locks and culverts, and repairing two breaches in the canal, also disposing of sand which from the floods of the river, accumulated in the basin constructed to facilitate the entrance of boats, from the river into the canal at Duncan's island, and generally in strengthening and improving the condition of the canal.

There is nothing due for repairs made upon this division.

The whole amount paid is \$67,424 86.

The amount paid for repairs upon the Delaware division prior to 1831, is \$25,297 88, and include the addition of four feet in height to upwards of a mile of the towing path bank below Wells's falls, to secure the canal against high water in the river; conducting Warner's mill race under the canal; in excavating sundry places left for passages; giving additional securities to culverts, repairing banks, digging drains, ditches, sluices, &c.

In 1831, the amount paid for repairs is \$35,890 28.

The principal part of this sum, was expended above New Hope, and was applied to the repairing of extensive breaches, which occurred upon attempting to introduce the water to the construction of feeders and a dam across Tohickon creek, and at Wells's falls, to the expense of changing the materials of which the embankment was composed along the wall sections, and generally to making the thorough and extensive repairs, which the defects in the original construction of this part of the division rendered necessary.

The amount due upon this division is \$16,046 12½.

The whole amount paid, is \$111,188 16.

The sum expended for repairs upon the Susquehanna division, prior to 1830, appears to be \$320 77, and was applied to ordinary repairs. There was also paid for rebuilding the Shamokin dam, and repairing the schute \$31,345 73.

The repairs of 1830, amounted to \$6,379 13 and consisted principally of work at the Shamokin dam and schute, the latter was changed to a sluice, and the former was strengthened by increasing the backing.

In 1831, there was paid for repairs, the sum of \$16,322 16. The principal part of which was applied to rebuilding 220 feet of the Shamokin dam, which had been carried away by the flood to the extent of the crib walls of the sluice, to repairing the eastern abutment, to increasing the backing of the dam, and to the construction of an apron.

The amount due upon this division, is \$11,000.

The whole amount paid, exclusive of the amount paid for repairs by the supervisor upon the Eastern division, is \$54,367 79.

There was paid for repairs upon the North Branch division in 1830, the sum of \$6,330 18½, and was applied to the ordinary repairs of new work.

The amount paid for repairs upon this division in 1831, and up to the 9th of February, 1832, is \$60,344 38. The principal part of this sum was expended in remedying the defects in the original construction of the canal, particularly the wall sections near Berwick and Catawissa. Upon introducing the water these defects were discovered, and throughout the whole line, many and effectual repairs were made. In many sections composed of coarse gravel, the water escaped without producing breaches in the canal; these also required extensive repairs. The schute of the Nanticoke dam has

been changed to a sluice, and extended upwards of 300 feet, and the western abutment, which had failed, has been repaired. A number of the locks and embankments at aqueducts have also been repaired.

The amount due for repairs is	\$ 1,447 11
The whole amount paid is	66,674 56½

The amount paid for repairs upon the West Branch division in 1830 was \$1,436 65½, and was applied to the removal of slips of the embankment above Milton, and to the repairing of two culverts, and ordinary repairs.

The amount paid for repairs in 1831, and up to the 9th of February, 1832, is \$27,429 92. This sum was applied, exclusive of the ordinary repairs, to the repairs of the Muncy dam, which were extensive, owing to a breach and to the sinking of the dam, the foundation being excavated by the overfall of water, to removing a gravel bar from below the schute of the dam, to repairing culverts, wall, locks, aqueducts and waste wiers, and to constructing waste wiers round locks, and for the safety of levels.

The amount due for repairs made is	\$ 4,303 62
The whole amount paid is	28,866 57½

There was paid in 1830, for repairs upon the French creek feeder, the sum of \$15,802 70. This sum was applied to repairing breaches on the east side of French creek, and an extensive breach on the west side in the embankment near Watson's run aqueduct, to puddling culverts, removing deposits in the canal, occasioned by washes from the upper banks, and to repairs generally upon the whole line.

By the report of the superintendent upon the French creek feeder, made to the board in November last, it appeared that there had been paid in 1831, for repairs of the French creek feeder the sum of \$4,399 85. By a subsequent report of the superintendent it appears that \$4,324 94 of that sum had been paid for finishing the French creek aqueduct. Leaving the sum of \$74 91 paid for repairing the feeder in 1831.

There is nothing due for repairs made upon the feeder.

The whole amount paid is	\$15,877 61
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There was paid for repairs upon the Columbia and Philadelphia rail-road in the year 1830, the sum of

1830, the sum of	\$2,204 64
do. do. 1831, do.	3,685 41

Whole amount paid,	\$5,890 05
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This sum was applied to repairing embankments on finished contracts, which were washed by heavy falls of rain, and to repairing drains constructed for the passage of small streams under the road, &c.

There are but few cases within the knowledge of the board, where the same works have been repaired more than once, and these are principally confined to dams, aqueducts, locks and culverts. The frequent failure of culverts was in part caused by a mistaken notion of engineers in preferring clay to gravel for puddling. This error has been corrected, and the repairs of culverts are now permanent: Annual repairs of dams upon large streams, of aqueducts and fixtures to locks will generally be required to a greater or less degree.

The board in conclusion will state, that a large proportion of the sums expended being for necessary new work, ought more properly to have been placed to the cost of construction, but having been disbursed by the supervisors, the accounting officers charged them to account of repairs.

It is proper to add that this report has been unavoidably delayed by the necessary absence of the canal commissioners from the seat of government. All which is respectfully submitted, by order of the board.

JAMES CLARKE, President.

March 5th, 1832.



The following article is extracted from the January number of the "Monthly American Journal of Geology and Natural Science;" conducted in this city, "by G. W. FEATHERSTONHAUGH, Esq."

### GENERAL REMARKS ON THE CONSTITUENTS OF PRIMARY ROCKS.

We have on this continent a very extensive geological limit, constituted of primary rocks and their subordinates. It constitutes an inflected line, commencing in the north, and passing southwardly from the indented shores of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut, to the city of New York, of which it forms the base. Thus far, this limit is bounded by the ocean, and has for its general mineralogical character, the rocks commonly called granite and gneiss. There are many varieties of these two rocks, occasioned by the varying proportions in which their respective constituents are found together. Granite has for its constituents; felspar, quartz, and mica, and in general, granites are distinguished by having a much greater proportion of felspar, than of either of the other two minerals. Sometimes the felspar is formed into well defined crystals, either white or red, it is then called a porphyritic granite. The quartz of such rocks is usually of a glassy lustre, and in very irregular shaped grains. The mica is disseminated in it, in small blackish or silvery scales. Granite rocks of this character, although they pass gradually into gneiss, differ remarkably from it in one particular, all granite being massive.

When the predominating mineral of the granite, felspar, decreases very much, and the mica greatly increases, and its innumerable plates become formed into well defined parallel layers, then granite losing its massive structure, splits in the direction of the mica, and becomes a true gneiss, recognizable by the eye, by the parallel lines it externally bears. Students in geology will also observe, that the granite we have been describing, is always found subjacent to the gneiss, and indeed, from no other rock being found inferior to it, granite is considered as the basis of all the primary rocks; and gneiss, from the constancy with which it is found reposing upon the granite, is considered the next in order of succession. When the principal constituent parts of gneiss, quartz and mica, are finely combined together, and have a yellowish or greenish lustre, then they form a rock which splits into tables easily, and is called mica slate. Sometimes the plates of mica in this rock are larger, and then they form a mica slate of a coarser character. Mica slate is the third rock in the order of succession. There are other rocks in this marine part of the geological limit, occasionally found subordinate to the three members of the primary rocks we have enumerated; these are principally the hornblende, serpentine, and that calcareous formation usually called primitive marble. As the gneiss, which is the base of the city of New York, re-appears across the Sound on Long Island, so the serpentine, which is found massive at Hoboken, on the Jersey shore, re-appears on the east side of the river not far from the city of New York.

At Philadelphia, we find this line of primary rocks inflecting inwards from the coast. Near the Public Water-works, a well defined gneiss—not different from that at the city of New York—is quarried extensively for foundations of houses. Associated with this, is the Hornblende, which appears close to the Water-works, and stretching to the south and west, fronts the Delaware river, as far as Wilmington, in the state of Delaware; whence it can be traced inland, in the neighbourhood of Baltimore, and much farther into the southern states. The varieties of these hornblende rocks are very great; and as it is of these the Delaware Breakwater is now constructing, we have thought it due to the communication which Major Bender has favoured us with, to accompany his table of specific gravities, with some remarks on the mineral nature of these rocks.

Having personally visited most of the localities mentioned in this table, we have had occasion to observe how generally the erroneous designation of trap, is given to some of the varieties of hornblende rocks, and as some of our correspondents have also requested information from us on this subject, we have thought to render a service to our readers by entering into such details of the primary rocks, as may enable them to judge with success for themselves, of the proper names to give those varieties which fall under their observation. We have spoken of felspar as forming the principal mineral in granite, with quartz and mica; when it is compounded with the mineral called hornblende, it constitutes that class of rocks of which we have spoken as extending from Philadelphia to Wilmington. Hornblende, called by the French, amphibole, is heavier than quartz or felspar, and when scratched, gives a light green streak. It contains a great proportion of magnesia, which felspar has not; and when the quantity of magnesia is increased, it passes into serpentine. The Germans call these combinations of felspar and hornblende, grunstein, or greenstone, especially when they have a granitic structure. When hornblende forms the principal part of such rocks, they take a greenish black colour. When it is combined in lamellar grains with felspar, it is called sienite. In some instances, as at Quarryville, on the Delaware, near Wilmington, the felspar is in beautiful resplendent lamellar crystals, of an oval form, and of a lightish red colour. This in the common language of mineralogy may be called a porphyritic greenstone.

We have remarked, that the erroneous designation of trap, has been given to these hornblende rocks; and this no doubt, has grown out of there being an intimate combination, in some instances, of hornblende and felspar. This is also the case with the rocks which have received the generic name of trap, from their dividing into prismatic forms, and forming steps or stairs. (Trap, in the Swedish tongue, means a stair.) Cabinet specimens of these respective rocks, sometimes resemble each other so closely, that they would puzzle a good practical geologist to decide whether they did not belong to the same class of rocks. There is also another mineral, augite, which combines with felspar in the same manner that hornblende does, and which is difficult to distinguish from it. The dark black basalts, which geologists are now agreed, have the same origin as the true trap, are composed of felspar and augite, finely combined, with sometimes grains of the mineral called olivine, and black oxide of iron. However these greenstones may resemble in their constituent particles, the traps—now universally admitted to have had an origin of the same nature with lava, of modern times—an experienced geologist can at once decide when he observes them *aperto campo*. Nothing can be more dissimilar with the massive hornblende rocks, fronting the Delaware river,—and undoubtedly associated with the primary rocks,—than the true trap on the Hudson river, at the Palisades, that at Hartford and New Haven, in Connecticut, and that at the Passaic falls, New Jersey, all of which overlie secondary rocks. To call the hornblende rocks then, of which we have been speaking, trap, is to confound very important geological distinctions. The various combinations of felspar and hornblende, and felspar and augite, have produced the rocks called greenstone, sienite, trap, and basalt; together with all the varieties which a change in the proportion of constituents occasions, such as are clinkstone, pitchstone, amygdaloid, and other porphyries.

To these rocks formed of hornblende and felspar, the French have given the name of *diabase*; and to those basaltic compounds, into which augite enters, they have given the name of *dolerite*. We know of no name more appropriate to the rocks we have been considering than hornblende rocks, because hornblende is chiefly found combined with felspar, when associated with the primary rocks; whilst augite is more peculiar to



rocks of acknowledged volcanic origin, although hornblende is also found in them. The term disbase, is applicable to any rock having a double base, and we, therefore, prefer a name that expresses at once the mineral to which the rock owes its distinctive character. We trust that this subject will receive proper attention from Messrs. Conybeare and Sedgewick, in the continuation of that admirable work, *The Geology of England and Wales*, of which the first volume has already given so much distinction to the name of Mr. Conybeare. Since the history of the primary rocks can receive no assistance from organic remains, we have nothing left to determine with accuracy the character of those rocks but their constituent minerals. And as the English language on this continent and in Europe, is destined to be spoken by the most important family of civilized society, we trust those gentlemen will give appropriate scientific names cognate to the English tongue. We despair of a universal nomenclature, and the sooner we have a well considered one, accommodated to our own overspreading language, the better.

We now proceed to give the table of specific gravities of the rocks used in constructing the Delaware Breakwater, for which, together with the preliminary information, we are indebted to that intelligent officer, Major BENDER, of the United States Army.

EDITOR.

#### SPECIFIC GRAVITIES OF THE ROCKS USED IN THE CONSTRUCTION OF THE DELAWARE BREAKWATER.

*Communicated by Major GEORGE BENDER, United States Army.*

"The two straight insulated stone dikes which form the work, are constructing on a clayey anchorage ground, in a depth of water from twenty-seven to thirty-four feet below the lowest spring tides. The principal one is to be twelve hundred yards in length, measuring from a point five hundred yards distant from the line of twenty-four foot water, near the extreme point of Cape Henlopen, and running in a W. N. W. direction from said point. At the distance of three hundred and fifty yards from the westernmost end of this, the other has also been commenced, and is to run W. by S. five hundred yards. These dikes, or islets of stone, are both to have a height of five and one-third feet above the highest spring tides, with a breadth at bottom of one hundred and sixty-seven feet, and at top, twenty-two feet. The inner slope is made to assume an angle of forty-five degrees, while the outer has one hundred and six feet base to thirty-nine altitude, and being covered with blocks of stone weighing from three to five tons, and upwards, from six feet below low water, to the summit, is such as experience as has shown that the sea will break upon, without disturbing the materials. These dikes will in no part be more than about one mile distant from the shore, and when completed, will afford a shelter from the waves over seven-tenths of a square mile, having a depth of water of eighteen feet at lowest spring-tides. That portion of the compass from E. to W. round by the south, is protected by the formation of the shore.

The whole work will constitute an aggregate mass of about nine hundred thousand cubic yards of stone, the largest portion of which is to be in pieces exceeding a ton weight each, and although a smaller work than those of either Cherbourg or Plymouth, yet from the comparatively great distance from whence the material is obtained, it is one of necessarily slow execution.

The country for many miles around being a sandy alluvion, the contractors for supplying the stone commenced with bringing it from the Palisade rocks on the Hudson river; but the tediousness of the navigation, which consumed upon an average, ten days for each trip, retarded the first season's operations very much. Since then, the largest portion has been obtained from quarries

on the Delaware, between Wilmington and Crum creek, a mile or two above Chester. Upwards of two hundred and seventy-nine thousand tons have been already deposited, of which eighty-one thousand were from the Hudson, and one hundred and ninety-eight thousand from the Delaware, and the same having been principally used in forming the upper end of the first mentioned dike, it has afforded a shelter which was used by the pilots, and by vessels engaged in the work, for protection against the N. and N. E. gales, during the last two or three months of the late working season.

#### *Specific Gravities of the Rocks.*

1	From Christiana creek below Wilmington,	3,020 3-4	Hornblende or Greenstone.
2	" Brandywine, below the lowest mills,	2,990 1-2	do.
3	" Quarryville, north of road to Wilmington,	2,668	do.
4	" do. near the river, south do.	2,980	do.
5	" Naaman's Creek, south do.	2,688	do.
6	" do. north do.	2,680 1-2	do.
7	" Vicinity of Marcus Hook, north, do.	2,751 1-2	do.
8	" do. do. do.	2,618	do.
9	" Young's Quarry, Chester creek, do. do.	2,700	Gneiss.
10	" Clark's do. do. do.	2,764 1-2	do.
11	" Hennis' do. do. do.	2,649	do.
12	" Hennis' Q. on Chester creek, n. Wilm. ro.	2,752 3-4	do.
13	" Worrall's do. do.	2,672	do.
14	" Smith's do. do.	2,717	do.
15	" Murray's on Ridley creek, do. do.	2,713 1-4	do.
16	" Burk's do. do. do.	2,700	do.
17	" Shoemaker's do. do.	2,713 1-4	do.
18	" Clyde's do. do. do.	2,664	do.
19	" M'Ilvaine's do. do.	3,130	Hornblende or Greenstone.
20	" do. do. do. do.	2,726	Gneiss,
21	" do. do. south do.	2,654 1-2	do.
22	" Churchman's do. do.	2,638 1-2	do.
23	" J. L. Crosby's do. north	2,664	do.
24	" do. do. do. do.	2,618	do.
25	" R. P. Crosby's do. do.	2,649	do.
26	" Leiper's, Crum creek, south do.	2,649	do.
27	" Hill's do. do. do.	2,786 1-4	Hornblende or Greenstone.
28	" do. (Island Field) do.	2,805 1-4	do.
29	" Palisades at Fort Lee, Hudson river,	2,990 1-2	Trap.
30	" do. Claster do.	2,968 3-4	do.
31	" Nyack do.	2,955 1-4	do.

WEST CHESTER, March 21.

A western paper speaks of a visiter who breakfasted at the table of Mr. JOHN M'INTYRE, Indiana, where was present a healthy Scotch lady, 120 years old. Her sight was better than it was at 90—30 years ago. She came to Philadelphia, in 1727.

On Saturday morning going through our market, at sun-rise, the veteran soldier WALLACE was there, moving about quite alert. He is a Scotchman too, now 102 years old.—*Village Record.*

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# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. IX.—NO. 13. PHILADELPHIA, MARCH 31, 1832. NO. 222.

## SECOND REPORT

OF THE COMMISSIONERS APPOINTED TO REVISE THE  
CODE OF PENNSYLVANIA.

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN—The commissioners appointed in pursuance of certain resolutions adopted by the legislature, on the 23d March, 1830, "relative to a revised code of Pennsylvania," have transmitted to me their second report, which I hasten to lay before the two houses for their consideration and approval.

Harrisburg, March 5th, 1832.

GEO. WOLF.

SIR—We have the honor to transmit to your excellency a second report—prepared in pursuance of the resolution of the legislature of the 23d of March, 1830—comprising two copies of each of the following documents, viz:

1. A report, in part, on the subjects of the statute law generally, and the administration of justice.
2. A bill "relating to last wills and testaments," with accompanying remarks.
3. A bill "relating to the descent and distribution of the estates of intestates," with accompanying remarks.
4. A bill "relating to executors, administrators and collectors," with accompanying remarks.

We beg to assure your excellency that we shall continue to give to the important subjects of our commission our earnest and united attention.

And we remain with great respect, your obd't. ser'vts,

W. RAWLE,  
T. J. WHARTON,  
JOEL JONES.

To his Excellency, GOVERNOR WOLF.  
Philadelphia, March 1, 1832.

## NO. I.

Report, in part, on the Statute Law generally, and the administration of justice, &c.

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met:*

We the undersigned commissioners appointed to revise the Civil Code, respectfully submit herewith our second report.

In the communication which we made in this behalf to the Legislature at the last session, we took occasion to say that it had been our intention, if time should allow, to prepare and submit with the bills then reported, other bills containing a revision of all those acts of Assembly which are commonly considered a part of the system of law relating to the Orphans' court. We also stated in explanation of what might seem omissions, that such a course was necessary to a full development of our views of arrangement: some of the omitted acts were specified and the titles to which it was intended

to refer them were indicated. We were at that time fully sensible that convenience to ourselves as well as a satisfactory execution of the duties with which we were charged would have been promoted by a connected consideration and simultaneous report of the entire subject of the law of decedents. But our earnest desire speedily to accomplish, as far as was practicable, the views of the legislature in respect to this branch of the law, induced us to report only such parts of it as we had then prepared, leaving to a future report those portions of it, which we had not then sufficiently considered. In reference to the bills then presented and the subject with which they are connected, we took occasion further to remark, that had it not been for the express directions of the legislature to report at that time, we should probably have reserved the subject to the last and have given it the utmost deliberation that our limits would allow. This sentiment (expressed in reference to the difficulties attending this part of the revision) we have seen no occasion to change. No portion of our law presents more obstacles to the successful execution of the intentions of the legislature in respect to the revision. It would be easy to show the causes to which they are to be ascribed; but we pass to observe that in addition to the inherent difficulties, it was impossible by reporting that part only of the subject which was thus expressly required, to exhibit fully in every instance the scope of the new provisions which were suggested, nor the manner in which it was intended they should in all respects operate. We were obliged also to depart in some degree from that strictness in classification which we deem it important to observe. To obviate this inconvenience, however, we have taken care so to frame these several bills as to admit of recompilation without any material alteration of the text and with a strict regard to systematic connexion and dependance. The three bills now reported are entitled:

An act relating to last wills and testaments.

An act relating to the descent and distribution of the estates of intestates.

An act relating to executors, administrators and collectors.

These bills, together with those before reported, contain all the provisions of the acts of Assembly and British statutes in force, which relate to the disposition and settlements of the estates of deceased persons, with the exception of a small number, which may be advantageously referred to other titles, with which they are also connected. We have compiled them from about sixty different acts and statutes. We have bestowed much time and careful consideration in preparing them, and although we do not flatter ourselves that they will be found in practice free from imperfections, we cannot but hope that they will be thought to contain some improvements, not only in the form, but in the substance of the acts, which they are intended to supply. In the recompilation of statutes, the value of method in the distribution of the subject matter and of precision and conciseness in expression, is, as we have intimated, too great to be overlooked. We have endeavored constantly to keep these objects in view. It should be remarked, however, that it is impossible in all cases, unless we adopt the method of a code, to render the scheme of an act in respect to the arrangement of its provisions



perfectly obvious. Many of the English statutes relating to the same subject, have been enacted at long intervals for the purpose of amending the common law or supplying particular defects, and must be considered in connexion with it, to discover the just medium of dependence. As we do not suppose it our duty to reduce the common law to the text of statutes, we have been content in such cases to collect and collate all concurrent statutory provisions, and to reduce them according to such method as seemed to us most obvious to one clear and uniform act. In the phraseology of statutes there are difficulties of serious import. Language is not adapted to the expression of thought with rigorous exactness, and in many cases the connecting link between the expression and the intent, must be left to be supplied from the general scope of the provisions. Yet much and perhaps most of the verbiage of statutes and acts of Assembly owes its origin to an attempt at absolute precision. Conciseness in expression and brevity in the enactment have been lost sight of or designedly sacrificed to this important but unattainable quality. Yet it may be doubted whether the verbose and particularizing style of modern statutes has not contributed rather to obscurity than to clearness, and much more whether the most verbose of our laws are the most clear. We have, however, retained substantially, the style of former legislation, believing it preferable to the sententious method of some modern codes. In this particular we conceive, we had not entire discretion, yet we have not hesitated to omit whatever did not appear requisite to precision, according to the ordinary and approved usages of language. This operation is often connected with a more difficult and responsible one, viz: that of blending the provisions of the different acts into new expressions, retaining as far as possible the very text, and the entire body and substance, with such alterations only as are essential to its new form and arrangement. It has been said that the exposition of a statute is one of the most difficult efforts of the mind. This is to us a constantly recurring duty. No statute or act can be recompiled in the method directed by the legislature, until we have performed in relation to it a duty not very dissimilar from judicial exposition, when it is recollected that the revision proposed, comprizes English statutes from the reign of Henry III, to George II, as well as the whole extent of our own legislation, that many of the statutes relate to subjects, not now entirely familiar to the profession of the law in this country or in England. That many of our own early acts of Assembly have not, so far as the reports of the judicial decisions show, received a construction. It will be easily conceived that this part of our duties is not inconsiderable. In regard to the English statutes, there is besides this, a previous duty to be performed, viz: to decide which of them are actually in force in this commonwealth. Here it is true, we have a useful guide, in the very valuable report of the judges of the supreme court, made in obedience to a resolution of the legislature adopted on the 7th day of April, 1807. This report, however, has not been considered as conclusive, and indeed was not so considered by the learned judges, who made it. In the progress of our duties, it will, however, be incumbent on us to act definitively, and with the expectation that the report which we may ultimately make upon the subject, will be followed by a repeal of all statutes of a foreign origin, we beg leave to refer to that report, for some observations relative to this branch of our duty. It would be comparatively easy to recompile the statutes in the very words, or, if it were compatible with the intention of the legislature, and the due execution of the trust reposed in us, to digest the subject matter of them without a very scrupulous regard to their precise import and bearing: This would be an effort of a different kind, both in respect of the performance and of the result. The injunctions of the legislature, are however, explicit. The due execution of them requires us to consider each act and

statute in relation to the general system of legislation and the jurisprudence of the courts. The whole is one texture, one frame work, in which apparently small matters must not be unwarily altered. Not only must the import of isolated expressions be considered, but their import also in the connexion from which it is proposed to remove them and the effect which may be expected to result from the new combination. It has not unfrequently occurred to us in the compilation of bills to vary expressions or transpose clauses in one bill or one section of a bill, for the purpose of controlling the effect of provisions contained in another.

This method is not new, nor are its results imperceptible or even obscure. It is essential, not only to exactness, but also to perspicuity and brevity, and is one of the most effective means of dispensing with qualifying clauses in the form of provisos. This last remark is submitted with a view to suggest the principles upon which many clauses in the bills now reported have been adjusted. We beg leave most respectfully to add that the substitution of clauses apparently synonymous, may not in all cases, be in their general bearing and effect exact equivalents. We do not wish to be understood however, that this remark is referrible to every portion of these bills, nor that every section or provision is essential to the integrity of the system. Many of the new provisions may be expunged without impediment to the successful operation of the residue; in short, we have endeavoured so to combine, whatever may be newly proposed with the existing provisions of the law, that the former may be extracted, without marring the latter: we intend by the remark, merely to suggest the general views by which we have been guided, as a just rule or medium of interpretation. In the remarks annexed to these bills, we have been careful to point out such portions of them as are new and briefly to assign the motives upon which they are grounded. In this place we will say, however, that it has been our intention to avoid material alteration in the principles of the law. It is an extraordinary case, we think, in which a radical alteration in a rule of property would be expedient. "These are very sound and ought not to be touched." We do not say that such cases may not exist, "for there are some things that are really and truly parts of the law which are as necessary to be reformed as the errors and abuses of it." We do not think that such parts will generally be found to concern the rules of property or the theory of the law as a science. We can see no advantage which will be likely to result from reeasting the law upon different conceptions of first principles, or from abolishing theories, because they owe their origin and principal significance to a different condition of society.

The changing relations, customs, and intelligence of communities, exert an irresistible force in operating a change upon their laws: the change therefore is in the substance—the names and theories remain by a force equivalent to the force of language. We might specify many examples, but we choose rather to close this portion of our remarks, with expressing in general terms a doubt of the expediency of disturbing matters of theory, or any of those deeply laid principles of the law upon which the modern as well as the ancient structure was reposed. The bills now reported do not indeed bear so intimate a connexion with the portion of law just alluded to, as some which remain, and the alterations proposed in them, relate rather to the *administrative* portions of the law than to primary or abstract principles. In these, the public at large have not the same kind or degree of interest; yet it is due to those who are principally concerned in the administration of justice, to make no change without sufficient motive, nor then, except in such method as shall produce least inconvenience. The alterations suggested, it is believed, are in accordance with these views. We beg leave to add one other remark: extensive alterations in the law, although such alterations consist merely in the ex-



ternal form and arrangement, cause least inconvenience when gradually and successively promulgated. The remark is more emphatically true, when alterations in substance or in the forms of proceedings, however slight, have been made. In regard to the revision generally, we have to state that considerable progress has been made. Many draughts of bills have been prepared for joint consideration, in pursuance of the distribution of subjects made by his excellency the Governor. It was believed that the whole of this portion of our duties, might have been performed by us in the time limited by the resolution. Experience has taught us, however, that our separate efforts are far less arduous than those which must be performed jointly. Many of our duties cannot well be attempted until after a careful examination and full debate. We beg leave to mention some of them. The judges of the supreme court in the report before alluded to, have specified nearly twenty statutes relating to disscizin, and the remedies by assize. In repeated instances have the judges of the same court declared this ancient remedy to be in force. We will refer only to the emphatic language of the late Chief Justice, in the case of *Witherow v. Keller*, 11. S. & R. 271.) Are these statutes then to be revised? Are they to be revised without amendment? Or with such explanatory and supplemental provisions as shall render them simple and convenient? And if so, what method or expedients for simplification shall be adopted? This is not a problem for extemporaneous solution, nor one that can be decided upon separate examination or research. Or, are these statutes to be rejected, and the whole of this portion of the remedial law to be expunged from our system? The authority of the supreme court is an impediment to the adoption of this course:—At all events, before we could adopt it consistently with fidelity to the public, it would be incumbent upon us accurately to survey the space which it fills and to provide the means of supplying any chasm which might be thus created by more simple and convenient equivalents. It is not our object at present to intimate which course in our opinion would be judicious and proper. We are concerned merely to say, that the question must be met, and that no method of disposing of it will afford a way of escape from arduous and responsible effort. We might specify others of these statutes and apply to them similar remarks. We will only add that very early in our operations we took a general survey of all these statutes for the purpose of ascertaining their bearing upon our appropriate legislation, and the importance which they sustain to the whole body of our laws. They appear to us to form an important and a very interesting, though by no means the least difficult portion of the subject committed to us. The resolutions direct our attention to the contradictions, omissions and imperfections which may exist in the law, and require us to suggest the mode in which they may be reconciled, supplied and amended. We are required also to report, whether it would be expedient to introduce any, and if any, what change in the forms and mode of proceeding in the administration of the laws. These investigations form a distinct class of duties. They require a minute survey of the whole law and accurate comparison of its correlative parts.

What are the imperfections in the laws? Some diversity of opinion upon this subject exists among the best informed men. It arises in a great measure, from the different standards of judgment which they adopt. It is a great imperfection in the law, according to some opinions, that so much is left to the discretion of the tribunals, to remedy which, it has been proposed to form a code, which shall contain a precise and unequivocal rule for every case. This, it is supposed would not only make the law better known to the public, but it would prevent judicial legislation, as it is called, and restore its prerogative to the constitutional and real legislature. We fear that imperfections of this nature must inevitably forever remain. Positive laws can never supply the use of natural reason.

It is impossible from the nature of things, and of language, to pen a body of laws, which will speak unambiguously their intent under all combinations of circumstances. The courts must be called in as interpreters, even if there were no other occasion for their interposition. But add to this the ceaseless activity of society; its multifarious relations and ever varying emergencies bid defiance to the tardy progress of legislation. Multiply positive rules to any extent, it is also to multiply occasions for judicial interpretation; and to whatever limit legislation may be carried, beyond will be found an undefined region, which must remain open to the occupancy of the courts. However large the sphere which may be filled by positive laws, the common law is an exterior and circumambient medium: it also pervades the very body of them, and is the agent which gives vitality, activity, and energy to their provisions. It is equally essential to the life and spirit of the constitution as to an act of assembly. The stat. 13 Ed. 1, Chap. 24, concerning writs in *consimili casu*, was a legislative acknowledgment of this doctrine. That statute forms the very basis of no inconsiderable portion of the jurisprudence of the common law courts. Before this enactment, the case of any known writ was a legal cause of action, and this was conclusively evinced by the mere existence of the writ. But in the action on the case, (the principal fruit of that statute,) the sufficiency of the case alleged has always been a subject exclusively for judicial consideration, to be decided as well upon principles of natural equity, and considerations touching the well being of society, as upon rules of antecedent institution by legislative authority. Hence this action has been denominated an equitable action and we need not say how large a portion of modern litigation is carried on in that form. We might vouch also the very existence of a court of chancery, in proof of our position, and many interesting considerations occur to connect it with the purpose named. But to resume: we do not suppose the statute law to be imperfect, because it wants the completeness of a perfect code, for such completeness is not a part of its design; nor do we consider the reposing of large discretionary powers in the courts an evil, (if it be one,) that can be perfectly remedied. Judicious reform must in all cases, we think, assume these conditions, (however they may be denominated) to be characteristics, if not essential attributes of every system.

According to other opinions, the imperfections of the law exist chiefly in the *administrative* portions of it. We want, it is said, a system of judicial proceedings more simple and convenient, one which shall in all respects be co-extensive with the co-ordinate and principal branch of the law, and adapted to carry into effect its various provisions by direct methods. These views appear to us to be more just. The modern law, however preferable in other respects, is entitled to less praise for simplicity and directness in the application of remedial means than the ancient; it would be easy to assign the reasons, but the result is, that while some portions of this branch of the law have been suffered to fall into disuse, other parts have been amplified beyond their original limits. Fictions have been resorted to, and upheld as a sort of homage to principles, and upon the whole, much more has been done by existing means, than was originally intended. The origin of fictitious ejectment is familiar. It was a bold act of judicial innovation. The action of *Trover* is essentially fictitious, and as a form of action, owes its origin also to the courts. The action of *Assumpsit* may be mentioned in this connexion, and also the action for seduction. These are instances of judicial ingenuity in the application of the remedial law. No doubt the motives which have induced the courts to extend their forms were highly commendable, but it is perhaps to be regretted that they did not rather uniformly make such an exposition of their powers and of the remedies at their disposal, as would have exhibited their real defects. It is not necessary to add to these instanc-



ces: they sufficiently exemplify our object. Certain it is, that before the settlement of this commonwealth, nearly the whole exterior of the remedial law had been changed by the courts. Many of the methods to which their principles constrained them to resort, were indirect, and however great these methods may have been as improvements, they were at least a sacrifice of the simplicity of the system upon which they were engrafted.

We pass now to some considerations which are peculiar to the remedial law of this commonwealth. It is well known that the chancery jurisdiction was in the early period of our history repudiated. The principles of equity were however retained and mingled with the elements of the common law; whether all these principles can be so blended as to admit of convenient administration by the existing, viz. by the common law methods, is perhaps, questionable. The experiment is of a highly interesting character, and from the success which has hitherto attended it, there can be no doubt that the material and most valuable parts of legal and equitable jurisprudence may be made to amalgamate, and with occasional aid from the legislature be successfully administered by our courts. It has been a principle with them to retain all forms of proceeding known to the common law. In theory many are believed to exist, which are not known to have occurred in practice, yet they are more extensively in use here, than in places where courts of equity exist, with the appropriate attributes of chancery. The writs of Dower, Waste, Estrepement, Assize of Nuisance and the Action of Account Render, may be mentioned as examples.

There are undoubtedly some matters of equitable jurisdiction, which require more comprehensive operations than are compatible with the due and obvious use of common law process, and some matters of equitable consideration and relief, which call for different administrative appliances. Yet the principles of our system, require that the resources of the common law, should be first resorted to, and applied, and when exhausted, such further remedial means may be supplied by direct legislation as shall be necessary to render this branch of the law fully adequate to the ends of justice. The action of *account render* has been incidentally mentioned. This action is nearly obsolete in England, and quite so in some of the sister states; but it is essential to our system. It partakes largely, however, of the characteristics of the ancient actions. Many of its forms are peculiar, and in some respects necessarily so. It had been obscured also, by long disuse, when it was adopted into our practice. It has undergone some change by the authority of our courts, and in a few instances, the legislature have interfered to amend its provisions. This action is believed to be susceptible of great improvement. A declaratory act, embodying its principal rules in a compendious and intelligible form, would we think be eminently useful. *Detinue*, is another action, well adapted in some respects, to the peculiarities of our law; the redress which it is designed to yield, is specific. In many cases such redress only would meet the just views of the party injured. It has also another property well adapted to the trial of a great variety of questions of ordinary occurrence: we allude to the practice of *interpleader*, a method by which third persons may be made party to the action, where their interests are principally concerned. This practice bears a strong analogy to the comprehensiveness of chancery proceedings and seems peculiarly fitted to the transactions of a commercial community. It is worthy of consideration, whether this action may not be brought into more general use in the manner already suggested in relation to the action of account, or whether the peculiar advantages of this action may not be engrafted upon others in more common use, we shall pursue the enumeration of actions no farther, although there are several which contain expedients that may be made largely to subserve the administration of our equitable jurisprudence. We conclude

this subject with one general remark: whatever legislation may be adopted on the subject of actions, it should have the common law for its basis. In other words it should be in the main merely declaratory. The experience of our ancestors will form a safe rule. It would be unwise to reject it for new inventions, for however well they may be conceived in respect of general views, details will escape observation, and in matters of this sort, they are in their nature too fugitive and mutable to be laid down with due precision by the most vigorous and well furnished mind.

For the purpose of ascertaining the amount of litigation in the commonwealth, the forms of action in which it is principally carried on, the effect of the system of arbitrations and other matters connected with the administration of justice, we addressed early in the last summer, a circular letter to the prothonotaries of the several counties, with appropriate inquiries. By the courtesy of many of these officers, we have received in reply much valuable information, which will serve as a useful guide to us in the performance of this branch of our duty. We had hoped to have it in our power to submit with this report a summary of the whole.

We are persuaded that it would form a foundation for many useful considerations, touching this branch of the revision. We hope hereafter, to submit this information to the legislature.

We fear to extend these remarks; but there remains one topic of too much importance to be omitted—we allude to the subject of pleadings. No portion of the law has been the subject of more frequent reproach, than the system of pleadings of the common law courts, and none has been more enumbered or disfigured by refinements foreign to its objects. According to the opinion of Chief Justice Hale, the pleadings of the courts in the reign of Edward III. were far superior to those of his own times. The legislature has interfered with the courts more frequently in this branch of the common law, than in any other, but it was to correct particular mischiefs. An act to restore the principles of the science has never been attempted. Such a measure has been recently proposed in England, and would be attended no doubt, with the best results. But our system of equitable pleadings is crude in the extreme. The notice which it is the practice to give, under some general plea of the equity intended to be set up, may be multifarious, diffusive, and informal. Add to this, no answer or replication is ever given to it. It is neither denied, confessed nor avoided by any other matter. The whole transaction in the controversy between the parties, is left open to its broadest extent, however narrow may be the limits of the real dispute. And even if the controversy concerns merely the legal effect of the transaction, which in the method of pleadings would be admitted by both the parties, still it must usually be tried through the medium of the jury. We need not dwell upon this subject: the effects of this practice are various and of serious operation. The expense of litigation is increased to the parties and to the public; the public business is delayed; the burthen of attendance upon courts as jurymen or witnesses is increased to individuals, and courts are compelled to decide extemporaneously in their charges, the most complicated questions of equitable jurisprudence. Another serious consequence is, that our equity is vague. In the matter of title to real estate the certainty, stability and uniformity of the law is of immense importance—and that system is best, which most effectually secures to it these properties. The maxim *stare decisis* can never be made to apply with the full effect to the decisions of juries. It would be easy to illustrate these views by examples. They are not uncommon. But we pass on to one concluding remark. The defects in this part of the system are not incurable. We do not indeed suppose that these equitable pleas are susceptible of the singleness, certainty, and particularity of a common law issue. The equity of a transaction may be the result of many



facts that cannot be involved in the denial of one. Nor do we suppose it would be useful to introduce in any degree, the subtleties or strictness of the common law system, as it now exists elsewhere; but a system which requires no extraordinary professional skill, which imposes no undue labour upon the parties or their counsel; on the contrary, by requiring it to be bestowed at the proper time, diminishes the labour of all who may be in any way concerned—a system which, while it contributes to the despatch of business, ensures certainty in the administration of justice, and lightens the arduous and responsible duties of the judges; so far from being repugnant to the liberal spirit of our laws, is essential to effectuate their intent. Into such a system may the present practice of our courts be converted, without disturbing any of its essential or useful principles or properties.

We have thus adverted to some of the topics which have occupied our attention. It is not our object at present to suggest plans of amendment. These form a distinct class of considerations, and will require mature reflection. The amount of correction necessary, and the mode in which it may be performed, is often a difficult question; and it is never to be forgotten, that the dangers of the correction proposed are not less carefully to be considered, than the mischief to which it is to be applied.

Sufficient, we trust, has now been said, to satisfy the legislature that the time limited by the resolutions for completing the revision in the manner enjoined upon us, is entirely insufficient. We have not, indeed, devoted our individual attention to the subject—we thought it was not intended we should do so; yet our whole time, assiduously employed during two years from the date of our appointment, would have been inadequate for the purpose: for although, as we have remarked, we have not given to it the whole of our time, we have subtracted from our professional pursuits a very large portion of it for the performance of these duties, and yet much of our labour remains to be done. We are, however, at present prepared, by our examinations of various branches of the laws, and the collections and collations of them which we have made, to proceed with more speed in the residue as we believe, than has hitherto been practicable. But our preparations have not been confined to mere collections and collations of our own laws: we have, at no inconsiderable effort and expense, collected copious and valuable materials from other sources. At no former period, perhaps, has the law been made the subject of so extensive and minute examinations, in reference to its principles and defects, as within a few years past. In addition to former sources of information, the observation and experience of practical men, has been recently put in requisition by public authority. The law has been exhibited not only in reference to its theory, but also in reference to its practical operation and results. The discussions, for example, which occurred in the formation of the present code of France, have signally developed the jurisprudence of that country; and although in many respects diverse from our own, yet “an enlarged acquaintance with it,” if we may adopt, with a slight modification, the sentiment of a very eminent American jurist, “would furnish the most solid means of the improvement of the law as it now is or may hereafter be administered in America.” In England, too, investigations conducted under the authority of parliament, have also resulted in a mass of details of great practical value, not only to that country, but to most of these United States; indeed, we might say to the science of legislation generally. We should deem it culpable neglect on our part to overlook sources of information so valuable. We do not suppose a rapid execution of the revision to be compatible with any just views of our duties; yet we doubt not that we shall be able to report annually, until the whole be finished—as large a portion of it as the legislature will find it convenient, in connexion with their ordinary

business, to consider: and it may be worthy of consideration, whether the general interests and convenience of the public would not be promoted, by successive reports of the laws by titles. The learned Judge Barrington, in a work of much merit, suggested a method in some respects similar, for the revision of the English statutes, and the late Judge Roberts thought it the most practicable and rational mode for the reform of our own laws. We will only add, that in this method, the revised acts would be more fully and fairly tested, and any defects which may be developed by practice may be most conveniently amended.

W. RAWLE,  
T. J. WHARTON,  
JOEL JONES.

March 1, 1832.

From the Philadelphia Gazette.

## PROCEEDINGS OF COUNCILS.

Thursday, March 22, 1832.

**SELECT COUNCIL.**—Mr. JOHNSON presented a petition praying that Fourth street from Arch to Vine streets be re-paved, which was referred to the Paving Committee.

Mr. JOHNSON presented the following petition from the Washington Fire Company, which was referred to the committee on Fire Companies:

*To John M. Scott, Esq. President, and Members of the Select Council of the city of Philadelphia.*

The undersigned, a committee appointed by the Washington Fire Company, beg leave to lay before the Honourable the Select Council, the following preamble and resolution adopted by said company, and respectfully solicit an appropriation of money to be applied to the purchase of a suitable Bell to be rung in time of fire, and to be located in the S. W. section of the city. The committee presume to hope, that the same liberality will be extended to the people in this district, which has been so recently granted to those of the North Western section.

W. P. SMITH,  
W. W. WEEKS,  
L. H. GARSON.

“Whereas, the exposed situation of the South West section of the city is such, as to require the utmost vigilance of the fire-men and citizens to guard from accidents by fire; and the distance of this district from the state-house is so great, that the fire-bell is frequently unheard, and is indeed almost useless when a fire occurs far to the south west; Therefore,

Resolved, that a committee of three members be appointed to make application to the City Councils, for an appropriation to be applied to the purchase of a suitable Bell, to be affixed to the Engine House, or such other place as the Councils may direct.”

Philadelphia, March 1832.

Mr. JOHNSON presented the annexed memorial from the Farmers of Chester county, which was referred to the committee on markets.

*To the Honorable the Select and Common Councils of the city of Philadelphia.*

The petition of the subscribers, respectfully sheweth:—

That they are Farmers of Chester county, who are now and have been for a long time, in the practice of bringing the produce of their farms to the Philadelphia market, and standing with their wagons, in Second street, south of Market street, where, for the purpose of cutting up their meat for sale, they have always been necessarily accustomed to use narrow benches, &c. and have never been interrupted till lately; that is, since the



passage of the ordinance of the 23d December, 1831, under which some of their benches, &c. have been seized, and those to whom they belonged, brought before the Mayor, who decided against them as he thought he was bound by the said ordinance to do; wherefore your memorialists beg leave to represent to Councils, and to solicit them, if such be the true construction of the ordinance, that they, and others, similarly situated, may be so expressly exempted therefrom, that there can be no doubt upon the matter. They think that if Councils consider their case, they will be satisfied, that it is not only for their own benefit, and interest, but that of every citizen of Philadelphia, that your petitioners should be protected and encouraged; for in the first place they are not only farmers, who own farms, but bring the produce of their farms to market with the meat they have raised or fed; which is by many citizens preferred to what is called "Butcher's Meat;" and moreover tends to keep down the price of meat by increasing the supply, and thus also prevents the victuallers, by having the sole supply of the market, from having a monopoly, or fixing their own price, and renders too, the citizens more independent, securing them against another withdrawal of the victuallers; whereas, if your memorialists are prevented from using their benches or blocks for cutting up their meat, they *will be virtually expelled the market, or be obliged to quit bringing meat to market*, because the plan of confining them to cut up the meat in their wagons is next to impossible; the wagons are not firm enough, there is not room in them, with a quarter of beef, and potatoes, apples, eggs, poultry, and other produce therein, nor can they cut it up before they come to market, for not only would the appearance be spoiled, but it must be cut in pieces to suit purchasers, which cannot be ascertained before it is wanted. Your memorialists and those who have gone before them for many years, have used and exercised the privilege of having benches or blocks to cut on, and no inconvenience arose therefrom, nor was any complaint made; ordinances with similar provisions were enacted, but not enforced against them, nor supposed to be intended for them, and indeed, your memorialists think they are not embraced under the 21st section of the last ordinance, but are protected in the 31st section as "Farmers who bring the produce of their farms to market;" they cannot believe that the Councils intended to deprive them of their old privileges and thereby exclude them, as they would be from the market. They think that Councils aimed at what are called "*Shimmers*," and not at "Farmers." And they only ask that *actual farmers bringing the produce of their farms, and the meat they have raised or fed*, may be allowed the long accustomed privilege of cutting upon benches or blocks; and have nothing to say against those who cannot prove themselves such, being deprived; wherefore they solicit that a short supplement may be passed for the purpose aforesaid, or that Councils may take such measures as they deem meet respecting the matter.

The subscribers, inhabitants of the city, in Second street, south of Market street, and in that neighbourhood, respectfully join in the within petition, and request Councils to grant the prayer of the petitioners for the public good and benefit.

Mr. JONSON presented the subjoined remonstrance against the erection of new Market-houses in High street, which was laid on the table.

*To the Select and Common Councils of the city of Philadelphia.*

Your memorialists, inhabitants and owners of property in the western section of Philadelphia, respectfully represent, That they have seen with regret a petition presented by sundry individuals, praying for the establishment of a Market-house in High street, between Twelfth and Juniper streets. They would respectfully suggest to Councils that a large and increasing country business is transacted within the aforesaid limits, which would be totally destroyed by such an arrangement, as

it would then be impossible to load and discharge the large wagons that are used as a means of conveyance for bulky goods. That this trade must be lost to the city by the attractions presented by the northern districts for the facilities of trade, or at least diverted to some other section which would be unjust to many of your memorialists. That a Market-house erected as prayed for, would be a serious impediment to the transportation of goods to and from the lower parts of the city, thereby producing great detention and embarrassment to all who transact business in Market street. It is known to most of our citizens that the great superiority of our market is attributable to their concentration; that markets, like capital, when too much disseminated, do not fulfil to the uttermost the objects for which they were established.

And, as an illustration of this fact, your memorialists would call to the remembrance of Councils, that a Market-house was established some ten years ago, in the immediate vicinity of the site that is now prayed for by your petitioners;\* that it was scarcely ever occupied or attended, and that about three years since by the order of your honourable bodies it was removed, as not benefiting the community for which it was intended. In conclusion, your memorialists beg leave to question the necessity of erecting any additional Market-house at this time—as the side walks as far west as Centre Square, are occupied as market places by those who supply the market, who furnish our citizens with every marketable article excepting fish, that can be purchased any where else within the city.

Should Councils, however, in their wisdom determine to establish additional buildings for markets, your memorialists would be doing themselves and their fellow citizens great injustice, not to urge upon Councils, the propriety of continuing the line of markets from 8th street west, as they may be required, instead of leaving a large space of four squares unoccupied—which would be the case were the prayer of your petitioners granted—or if that is not deemed expedient, to locate a market on one of the corners of Penn Square. And your memorialists will ever pray.

Philada. Feb. 7th, 1832.

Mr. WORRELL presented a petition, praying that Beach and Willow streets may be paved, which was referred to the Paving committee.

Mr. PETTIT presented the annexed memorial from the different Fire companies, which was referred to the committee on Fire companies.

*To the Select and Common Councils of the City of Philadelphia.*

The Memorial of the undersigned, the Fire Companies located in said city,

Respectfully sheweth—That your memorialists from the circumstances herewith presented, are under the necessity of soliciting the further aid of the city Councils, to enable them to prosecute, with vigour and success, the object of their institution.

Your memorialists are able to show, from attested vouchers and documents, that the sum now appropriated by the Corporation to the Fire Department, is inadequate to defray even the current expenses of the several companies. These current expenses are the smaller portion of the amount necessary to sustain the companies, as their apparatus requires frequent renewal, the cost of which devolves considerable expense upon individual members.

A portion of your petitioners have recently been obliged to obtain new locations for their apparatus, having been, at a short notice, required to leave eligible situations, held without cost, for many years. The great rise in the price of real estate, has rendered suitable situations difficult to be procured, except at an expense utterly beyond the means of your memorialists. In

\* In Broad between Market and Chestnut streets.



some cases, temporary buildings have been erected on ineligible lots, and in others, where it was deemed expedient to purchase, in neighbourhoods contiguous to the residence of the members, that the apparatus of the company might not be rendered utterly useless, the property of the company and that of the individual members, has been pledged for the redemption of loans, mortgages, &c. Your memorialists submit to the city Councils, that this is not an enviable situation for institutions, the operations of which so far from affording profit to the members, subject them to continual losses and deprivations.

Your memorialists being aware that many members of the city Councils, have been and are attached to Fire Companies, deem it scarcely needful to refer to the expense necessarily incurred by firemen—independent of the particulars above mentioned—for suitable fire equipments, to the time lost by the members obliged to leave their business at the first signal of alarm; to the deep inroads, frequently irreparable, made in healthy constitutions, by repeated exposures, as these matters must be perfectly well understood. They believe that the city Councils are also aware, that the greater portion of those attached to the Fire Companies, are not the owners of real estate, and therefore not personally interested in the support of efficient fire apparatus.

Your memorialists would also beg leave to remind the city Councils, that the whole expense of the Fire Departments of New York, Cincinnati, Boston, Baltimore, Charleston, Savannah, New Orleans, and other cities, is borne entirely by the corporate authorities thereof. In addition, the authorities of several of the above cities, provide for every member of the Fire Department, a suitable dress, so that said members are not necessarily subject to expense. In some of the above cities, also, Firemen enjoy, by legislative enactment, immunities and privileges, which are possessed by no other class of our citizens.

Your petitioners do not mention these facts because they, in consideration of belonging to the Fire Department, desire an exemption from the observance of any of the laws of the state, or because they wish to be furnished with equipments gratis—for such privileges and immunities if offered, would be respectfully declined—but they mention them to show the city Councils, that their request for an additional appropriation to defray the necessary expenses of their apparatus, is in itself reasonable, just and proper, and fully sanctioned by the operation of many other city corporations.

Your memorialists, placing reliance upon the wisdom of the city Councils, make this appeal with confidence, feeling assured that if the subject receives that calm consideration it deserves, the Corporation will increase the present annual appropriation to the Fire Companies.

All of which is respectfully submitted.

MR. DUANE presented the following petition from PAUL BECK, jr. Esq. which was referred to the committee on markets.

*To the Honourable the Select and Common Councils of the City of Philadelphia.*

The petition of Paul Beck, jr. respectfully sheweth, That he is the owner of the messuage situate at the north east corner of High and Tenth streets, and that until the passage of the ordinance of the 29th December, 1831, his tenants occupied the same and enjoyed the necessary right of free egress and regress, to and from the streets opposite the same without any other interruptions than such as were casual.

That since the date of that ordinance, sundry persons, justifying themselves by authority derived therefrom, have on every day except Sunday, erected temporary shambles on their carts extending several feet over the side walk and entirely obstructing the access to and from the street and your petitioner's messuage.

Against this grievance, your petitioner does most re-

spectfully but earnestly protest, and prays your honourable bodies to revise and repeal this enactment (in the manner hereinafter proposed,) as it seems to your petitioner an infringement of one of the cardinal rights guaranteed by the institution of this commonwealth to its citizens.

It is unnecessary to inquire how far the right of soil in the foot way and street opposite the houses, belongs to the owner of those houses. The general law of Pennsylvania, is, as your petitioner has been advised, that the right of soil in a public road, remains in the owner of the adjoining land, and that the public have only a right of passage.

Whether there be any thing peculiar in the origin of the titles of this city to exclude them from the general law, he will not now discuss. Suffice it to say that the way or passage to the street is one of the essential appurtenances of property, and cannot be taken away without materially diminishing its value.

Your petitioner has been taught by the constitutions of this commonwealth and of the United States, that "no man's property should be taken or applied to public use without the consent of his representatives, and without just compensation being made;" and although doubtless this provision is familiar to your honourable bodies, yet he takes the liberty of referring you to the 10th section of the 9th article of the constitution of Pennsylvania, and to the 5th article of the amendments of the constitution of the United States. Notwithstanding these prohibitions, the ordinance in question has taken away a valuable portion of your petitioner's property, and so far from making him compensation, the rents of these stands are directed to be paid into the city Treasury.

Your petitioner understands this clause of the constitution to restrict the power of the Legislature itself, and therefore is doubly at a loss to know how Councils exercise such an authority. The Legislature has not imparted to them even the restricted powers which it could impart. There is no provision in the charter of the city to enable the Councils to appropriate private property to public use, even upon the terms of compensation: but should the city's interest require such a measure, application must be made to the Court of Quarter Sessions, under the act of the 25th March, 1803, or to the Legislature for special law.

Your petitioner well knows that the courts of the commonwealth are open to him; but he is an old citizen and has experienced for many years the beneficial action of the Municipal Legislature, and is unwilling to resist the exercise of this power lest it should lead to a spirit and fashion of hostility to the city authorities: he is willing to submit to temporary inconvenience, if there be a fair prospect of ultimate removal.

Your petitioner therefore prays your honourable bodies to pass an ordinance, and make an appropriation for the immediate erection of more Market-houses, and to provide by the same ordinance that upon the completion of the buildings the regulation of which he complains shall cease.

And your petitioner as in duty bound will ever pray,  
&c. &c. PAUL BECK, Jr.

MR. WORRELL as chairman of the committee to distribute Wood to the necessitous poor, made the annexed report which was agreed to:

The joint committee appointed on the tenth day of November last, for the distribution of the Wood purchased for the necessitous poor and respectable housekeepers, widows, as per wills, &c. beg leave to report:

That they have during all the month of January last, distributed the same in small lots amounting to nearly four hundred. The expense of which including hauling, superintending and sawing the same, amounting to \$176 46. The committee thought it desirable to have the wood sawed in most cases into three, thus rendering it more useful and beneficial to the aged women and others, recipients of the bounty of the testators. They



have drawn their orders on the Mayor for the above amount, which have been promptly paid by the city Treasurer, and charged to the proper account. All which is respectfully submitted.

**COMMON COUNCIL.**—The following communication from the Mayor of the city enclosing a communication from the City Commissioners, was received and referred to a joint committee of three members of each Council, and Messrs. Fritz, Sexton, Oldenburg, Johnson, Pettit and Massey were appointed the Committee.

MAYOR'S OFFICE,  
March 22d, 1832. }

*To the Presidents of the Select and Common Councils.*

Gentlemen,—The watchmen of the city have presented to the City Commissioners a petition praying for an increase in their wages. The Commissioners unwilling to act in a matter involving a considerable increase of annual expenditure, have referred the subject to me with a request that it might be submitted to Councils. I accordingly send the petition of the watchmen with the letter of the Commissioners. The ordinances authorize the Commissioners "to employ a sufficient number of able bodied men for lighting and watching the city, at certain fixed monthly or other wages." Their wages have been for several years, fixed at 18 dollars per month with an allowance of 25 cents per month for each lamp had in charge. The present arrangement, which has existed for many years, divides the men into two classes, the north and the south men, who have charge of lamps in addition to watching, and the east and west men who attend to watching only. The rate of compensation and division of duty is unequal, and on other grounds, objectionable. Uniformity of wages and duty is certainly to be desired, for obvious reasons. The present number of watchmen is about one hundred, and of lamps about two thousand. An arrangement assigning to each the same number of lamps would effect a division of duty and labor more advantageous. This change however, without a general increase of wages, would be a serious deprivation to a large number of men who have long been dependant on the lamps with which they are intrusted for a reasonable amount of monthly wages. The highest amount paid to any watchman is about 30 dollars per month, and some have in charge 50 lamps, a charge scarcely consistent with the duty of watching. It will be found upon inquiry that the rate of wages paid the watch of this city is much less than obtains in other cities, and that their duties are more laborious. A rate of monthly wages that might be deemed reasonable and proper would probably require an increased annual expenditure of 8,000 dollars. I should hesitate to recommend a measure requiring so material an increase in the annual appropriations, but a proper regard for a class of faithful public servants occupied in an arduous and hazardous service, and a view to further improvements in that important branch of the city police, warrants me in suggesting that their petition merits the favorable consideration of Councils, as well from the justice of their plea, as from the public interests. A reference also to the munificent bequests, of the late benefactor of the city, Mr. Girard, which embrace this object, seems to justify an early attention to it.

I am, very respectfully, yours,  
B. W. RICHARDS.

CITY COMMISSIONERS OFFICE, }

March 21, 1832.

*Benj. W. Richards, Esq. Mayor of the city of Philadelphia.*

Sir,—The City Commissioners have received a petition from the city watch, requesting an increase of wages. The Commissioners are favorable to this application, as they consider the present wages inadequate to the services performed; but as the desired increase would involve a considerable additional expense, they do not deem it proper to decide on it on their own responsibility.

They therefore beg leave to refer it to your consideration, that, if you think proper you may address Councils on the subject. The Commissioners respectfully refer you to the estimate they have laid before you as to the increased expense that will be necessary.

By order of the City Commissioners.

ROBERT H. SMITH, City Clerk.

*To the Honorable the Mayor and the City Commissioners.*

The petition of the subscribers, Watchmen of the city of Philadelphia, respectfully represents, That your petitioners are encouraged again to approach you, praying you to take into consideration, a subject of great importance to your petitioners; an increase of their monthly wages. They believe that their present wages are lower than are paid to any persons employed on similar service, and respectfully represent that they are not adequate for their support and that of their families, and for such provision as is indispensable for them in case of sickness. They would represent that their nightly labours especially at this season of the year, are so lengthened as to prevent them from the exercise of much bodily labor during the day, except at the expense of their health. Many of your petitioners have by their laborious watching at night, and necessary labors by day for the support of their dependant families, seriously impaired their health and bodily strength. They also represent that their exposure to the inclemency of the weather almost uniformly produces some attacks of sickness, during which they incur expense and are deprived of the means of any earnings for themselves and families. Your petitioners while they will cheerfully continue to discharge their duties faithfully, whatever may be your decision, feel assured that they appeal to the representatives of citizens who are able and willing to afford to their public servants adequate compensation. Your petitioners represent that they express their sincere sentiments when they say that their wages are not a sufficient compensation for their services and labors. And believing that the watch may be improved and their duties performed with more alacrity, if they can look to their stations as affording full and sufficient wages, they respectfully ask the attention of the Mayor and City Commissioners to this matter and subject.

A communication from BENJAMIN C. HOWARD, Esq. a member of Congress, was received relative to the CHOLERA, which was referred to the President of Councils in conjunction with the Board of Health.

The annexed communication from the Mayor of the city enclosing one from "*The Gold and Silver artificers*" was received and was referred to a joint committee of two members of each Council and Messrs. Sexton, Hood, Worrell and Toland were appointed the committee.

MAYOR'S OFFICE, }

Philadelphia, March 22d, 1832. }

*To the Presidents of the Select and Common Councils.*

Gentlemen,—I transmit you a silver medal prepared during the procession of the late Centennary Celebration, by the gold and silver artificers of the city, by whom it is presented as a suitable memorial to be enclosed in the corner stone received from the Marble Masons for the proposed Washington Monument. I take pleasure also, in enclosing their letter, urging further measures for the promotion of that object in which a lively and increased interest must be felt by all our fellow citizens.

Very respectfully, yours,

B. W. RICHARDS.

*To the Mayor of the City of Philadelphia.*

The undersigned, a committee appointed for that purpose, beg leave, in behalf of the Gold and Silver Artificers of Philadelphia, to present to the civil authorities, the accompanying Silver Medal, prepared during the late Centennial Celebration, and intended to be deposited in the Corner stone presented by the Marble Masons for the proposed Washington Monument. In



tendering this humble tribute of gratitude to the memory of the illustrious patriot, whose hundredth birth day has just been so warmly and enthusiastically commemorated by the whole nation, and nowhere more signally than in this city, the undersigned, on the part of their brethren beg leave to express an anxious wish that the contemplated monument may be facilitated as much as possible, and to suggest, that if further contributions from the citizens are required, that no time better than the present could be selected for that purpose—as, cold indeed must be the heart, and contracted the nature of that American who would not at such a moment yield his pittance towards the accomplishment of such an object. With the present generation, and indeed so long as patriotism is worthy of emulation, and wherever liberty finds a votary, the name and the merits of Washington cannot be forgotten. They are in the hearts of his countrymen—they have become matter of history, and will be transmitted to future times as themes of wonder, and of admiration—nevertheless, it becomes us, as a grateful nation, whose example is held up to the olden world as worthy of all praise, and as a prototype for future republics, to exhibit some public and visible token of the manner in which we appreciate “the first in war—first in peace, and first in the hearts of his countrymen.”

With sentiments of the deepest respect,  
We remain, yours, &c.

The following communication from DAVID E. SHAPLEY was received, and referred to a joint committee of two members of each Council, and Messrs. Baker, Oldenburg, Duane and Johnson were appointed the committee.

PHILADELPHIA, March 20th, 1832.

*To the Honorable the Select and Common Councils of the city of Philadelphia.*

Gentlemen,—The subscriber has for some time been using a part of the lot of ground belonging to the Corporation of the city of Philadelphia, north of Market Street Bridge:—bounded by Market street, Front street, Cuthbert's line and the river Schuylkill, for which privilege I have been paying twenty dollars per annum, but in consequence of the said lot being a *Common* I cannot occupy it satisfactorily; as it is with great trouble and difficulty any lot can be exclusively enjoyed any where within the bounds of this city that is not enclosed. I therefore propose renting the said described ground upon the following terms, viz: I will agree to take it for the term of seven years, inclose it with a good fence and drain off a large pond of water which covers a very considerable portion of the said premises, which is considered a great nuisance in that neighborhood, and which body of stagnant water must have a very deleterious effect upon the inhabitants residing in that vicinity; and I will build a good tenable brick house thereon at the north-east or north-west corner of Market and Ashton streets, provided you will agree that the Corporation shall pay me at the expiration of that time whatever the said house may then be valued at by disinterested persons, then to be mutually chosen or agreed upon by the parties who may then be interested; and I will bind myself to pay the Corporation an annual rent of one hundred dollars for the same. Or if the honorable Councils should not deem it expedient to bind the Corporation to take the building at the expiration of the term aforesaid upon the proposed terms aforesaid, I am willing to bind myself to pay the Corporation at the expiration of the said term of seven years, rent at the rate of four dollars per foot where I propose to erect the said house, at the north-east or north-west corner of Market and Ashton streets, for a lot then and there to be laid off, of the following dimensions, viz: twenty-five feet wide on Market street, and running back to the next street or alley between Market and Filbert streets; or if the honorable Councils should not be inclined to accede to either of the foregoing proposi-

tions, I will agree to take the said lot for the said term of seven years at an annual rent of seventy-five dollars.

The honorable Councils will confer a particular favor upon the subscriber by letting him know the result of their conclusions on his propositions, as soon as it may comport with their convenience—his dwelling house is No. 122 west Market street.

I am, gentlemen, with great respect your obedient servant.

DAVID E. SHAPLEY.

Mr. BAKER as Chairman of the Paving Committee made the two following reports and resolutions which were agreed to.

The Paving Committee to whom were referred the petition of the President and Managers of the Philadelphia Exchange Company,—Report:

That it is the opinion of said Committee that Councils have not the power to grant the request of said petition, and offer the following resolution:

Resolved, That the Committee be discharged.

The Paving Committee to whom were referred the petition of a number of persons residing in Moyamensing respecting the water in 13th street,—Report:

That they are of opinion it is inexpedient to act on said petition, as it is from individuals in a district out of the jurisdiction of the City, and offer the following resolution:

Resolved, That the Committee be discharged.

Mr. MOSS as Chairman of the Committee on the City Property, made the annexed report which was re-committed to the Committee, to report an ordinance in conformity therewith, at the next meeting of Councils.

*To the Select and Common Councils of the City of Philadelphia.*

The committee to whom was re-committed a report made in part relative to the improvement of the City Property fronting on the Schuylkill, south of the Permanent bridge, state:

That agreeably to the instruction of Councils, they have extended their views and inquiries as to the further improvement of that property, and submit the annexed plan and estimate, showing that the southernmost section including the Chestnut street front, and the old basin, is susceptible of great improvement, containing two wharves on the Schuylkill of sixty-five or seventy-five feet each, with a dock on the south line of nineteen feet in width, and also an inlet into the basin as a flood-gate, with a water harbour, or landing dock therein of about forty-five feet in width by two hundred feet in length, capable of containing craft or boats of trade at all times, for the purpose of loading or unloading articles of merchandize, and at the same time leaving a space of ground on the north side of thirty-five feet, and on the south side, of thirty-five clear of the street line, and a landing at the upper end of fifty-two feet to Beach street, thereby leaving a landing and passage for portage all around the basin. The estimate of expense for building or erecting the two wharves, and the dock on front of the Schuylkill including the wharfing or banking up the basin, as estimated by T. D. Grover (herewith submitted) is set at seven thousand dollars exclusive of the filling in, and for which purpose it does appear to your committee, there is earth sufficient in the immediate vicinity. All of which is respectfully submitted in connexion with the original report of the committee, submitted July 14th, 1831.

Mr. FRITZ as Chairman of the Committee on Fire Companies, made the following report and resolution, which were agreed to.

The Committee on Fire Companies, to whom was referred the petition of the Officers of the Pennsylvania Hose Company, for permission to occupy part of a lot on Coates street, late the property of Stephen Girard, Esq. for a temporary building, have to report:

That the property in question is not under the control



of the City authorities at this time, and therefore whatever the inclination of the committee might be to recommend Councils to accede to the prayers of the petitioners, they find it necessary to report unfavorably and offer the following resolution:

Resolved, That the Committee be discharged from the further consideration of the subject.

Mr. SEXTON as Chairman of the committee to whom was referred the petition of Ezekiel Hand, made the annexed report and resolution, which were adopted.

The committee to whom was referred the petition of Ezekiel Hand, late a watchman, beg leave to report:

It appears from the records of the City Commissioners, that the petitioner was employed for some time as one of the city watch, and subsequently as a watch under the direction of the clerk of the market in High street, and that while so employed, from continual exposure, was taken sick and rendered incapable of discharging his duties, from and after the 31st December, 1828, and accordingly another was appointed in his place.

This case is not analogous to those to whom Councils have granted relief heretofore. It is known to every man who accepts the appointment of a city watch, that he must necessarily be exposed more or less in the regular discharge of his duties. The cases alluded to, were for limbs fractured and wounds received while performing their duties, and which were beyond their control, and cases of a special nature.

Your committee are well aware that *precedents* are seized upon to justify future legislation and that due care should be exercised, against improvident expenditures, for in establishing a precedent, numerous applications of a like nature will constantly be presented, claiming similar relief. Upon a review of all the circumstances of this case, they are of opinion that the prayer of the petitioner ought not to be granted, and beg leave to offer the following resolution:

Resolved, That the committee in the case of Ezekiel Hand, be discharged from the further consideration of the same.

The Common Council then took up for consideration, the ordinance passed by the Select Council at their previous meeting, for the erection of new market houses on High street, upon which the yeas and nays were called, and were for the passage of the said ordinance, yeas Messrs. Baker, Moss and Oldenburg—3.

Nays—Fritz, Horn, Hood, Leiper, Mayberry, Page, Patterson, Ryan, Sexton, Sullivan, Wainwright and Wetherill—12, and was thus lost.

From the Pittsburg Gazette.

#### OPINION

Of the Supreme Court of the United States, delivered by Mr. Justice McLean, at January term, 1832.

*Joseph Barclay and others,* } This suit was brought in  
vs. } the Western District of  
*Richard W. Howell's lessee.* } Pennsylvania, to recover  
a lot of ground in the city of Pittsburg, described in the declaration, as lying between Water street and the river Monongahela. As the district Judge could not sit in the cause, it was certified to the Eastern District, under the act of Congress.\*

The defendants in the Court below appeared in behalf of the city and defended the action, on the ground, "that the entire slip of land between the north line of Water street and the river, was dedicated at the time the town was laid out, as a street or right of way to the public.

The lessor of the plaintiff exhibited legal conveyances for the lot in controversy. At the trial, various

exceptions were taken to the ruling of the Court, in the rejection of evidence offered by the defendants, and also to the charge of the Court to the jury. These exceptions are brought before this Court, for consideration, by a writ of error.

The first assignment of error is in substance, that the verdict being general, is void for want of certainty. That the finding of the jury, did not settle the matter in controversy; and, by consequence, did not authorize the judgment. This must be considered as an exception to the sufficiency of the declaration, as any other matter embraced by it, might have been considered, on a motion for a new trial, but cannot now be noticed. The description of the lot in the declaration is general, as lying between Water street and the river; but no doubt is entertained, that this is a sufficient description. Formerly, it was necessary to describe the premises, for which an action of ejectment was brought, with great accuracy, but far less certainty is requisite in modern practice. All the authorities say, that a general description is good. The lessor of the plaintiff, on a lease for a specific number of acres, may recover any quantity of less amount.

The rejection of the evidence contained in the depositions of Samuel Ewalt and John Finley, is the second error assigned.

To understand the force of this exception, it will be necessary to advert to a succinct history of the case.

There was vested in the Penn family, a tract of land consisting of between five and six thousand acres, that included the village of Pittsburg, which at that time, consisted of a small number of settlers, very few, if any of whom, had a title to the lands they occupied. This tract was denominated a manor, as was the practice at that time, to call large tracts of land, which had been surveyed within the charter of the original proprietor of Pennsylvania. Being desirous of laying out a town at Pittsburg, Trench Francis, who acted as the attorney of John Penn, jun., and John Penn, addressed the following letter to George Woods, Esq.

"Philadelphia, 22d April, 1784.

Sir,—By directions of Messrs. Penns, I take the liberty to request you to undertake the laying out the town of Pittsburg, and dividing all the other parts of the manor into proper lots and farms, and to set a value on each, supposing them clear of any kind of encumbrances, in doing of which, be pleased to make the proper inquiries, and ascertain the previous claims pretended or real, of the present settlers, and all others set up. The whole of the manor being intended for immediate sale, I wish you would point out the best method to effect it; and if agreeable to you, to transact this business, inform me on what terms you will do it. All expenses, and your charges for making the above survey, I will pay, &c."

In the month of May or June of the same year, Woods laid out the town of Pittsburg, and also surveyed into out-lots and small plantations, the residue of the manor; and made return to his principal of a copy of the town plat, and the other surveys. This return, and the whole proceedings of Woods, were sanctioned by the following letter:

"Philadelphia, 30th Sept. 1784.

Dear Sir,—As attorney to John Penn, jr. and John Penn, Esquire, late proprietors of Pennsylvania, I hereby approve of the plan you have made of the town of Pittsburg, and now confirm the same, together with the division of the out-lots, and the other part of the manor of Pittsburg.

The several applicants, agreeable to your list furnished me, may depend on having deeds for their lots and plantations, whenever they pay the whole of the purchase money, &c.

TRENCH FRANCIS.

George Woods, Esq."

\* For the decision and charge in this case in the Eastern District Court, see Register, Vol. IV. page 225.



The original plat of the town of Pittsburg, which was made by Woods, was given in evidence to the jury; from which it appears, that the town was laid out into lots, streets, and alleys, from the junction of the Allegheny and Monongahela rivers, extending up the latter to Grant street. With the exception of Water street, which lies along the bank of the Monongahela, all the streets and alleys of the town, were distinctly marked by the surveyor, and their width laid down. Near the junction of the rivers, the space between the southern line of the lots, and the Monongahela river, is narrow, but it widens as the lots extend up the river. It was contended by the defendants in the ejectment, that the above slip of land was dedicated, by the surveyor, when he laid out the town, to the public, as a street, or for other public uses. As the lot for which the ejectment was brought, is situated in the narrow slip of land, the fact of dedication becomes material. From the plan of the town, it does not appear, that any artificial boundary, as the southern limit of Water street, was laid down. The name of the street is given, and its northern boundary, but the space to the south is left open to the river. All the streets leading south, terminate at Water street, and no indication is given in the plat, or in any other part of the return of the surveyor, that Water street did not extend to the river, as it appears to do, by the face of the plat.

The depositions of Ewalt and Finley were offered by the defendants, to prove the declarations of Woods, at the time the survey of the town was made. Ewalt stated, that the survey was about to be commenced at a point, which would have required him to remove his house; and that, at his instance, the place of beginning was changed. On a remonstrance being made, by several persons, who had assembled, that Water street would be too narrow, Mr. Woods observed to the party, "these houses will not remain or stand very long; you will build new houses and dig cellars, and bank out Water street as wide, till it comes to low water mark, if you please." He observed that this street, to low water mark, should be for the use of the citizens and the public for ever.

Finley states, that Woods declared to the people of the town, that he would not change the old military plan; but that "Water street should be left open to the river's edge, at low water mark, for the use of said town; that they, the citizens, might use the same as landings, build walls, make wharves, or plant trees, at their pleasure." Several objections are made to the competency of this testimony.

It is insisted, that the declarations of Woods, respecting the ground in controversy, did not come within the scope of his authority; and if they did, still, that they ought not to be received in evidence.

Woods had authority to fix upon the plan of the town, and survey it. He had the power to determine the width of the respective streets and alleys, the size and form of the lots, to mark out the public grounds, and to determine on every thing, so far as related to the town, which would add to its beauty, convenience, and value. These were clearly within the scope of his powers, as they are essentially connected with the plan of the town, on which he was authorized to determine at his discretion.

But, it is said that his acts, until sanctioned, were not binding upon his principal; and that as his principal was not present, his sanction, which was subsequently given, cannot be extended, beyond what appears upon the face of the town plat, which was returned by the agent. The sanction, when given, related back to the original transaction, and gave equal effect to it, as if the principal had been present. So far as valuations had been made, the lots occupied by persons who had no titles, and who were to obtain titles, on paying the prices fixed by Woods, it is very clear that the principal could not be bound, by the act of confirmation, beyond what appeared upon the face of the return. Nor, if the agent

had attempted, by any covert means, to give to the citizens of the town, ground, which he did not designate on his return, and which did not tend, directly, to increase the value of the town lots.

But, if the ground dedicated for a street or any other public use, was essentially connected with the town lots, and must have enhanced their value, at the sale, the increased value thus realized, and a long acquiescence, would estop the original owner of the fee, from asserting his claim: though the ground dedicated, had not been so designated on the map.

There is nothing, however, on the plat, which shows any limit to the width of Water street, short of the river, on the south. \* If a line had been drawn along its southern limit, there would have been great force in the argument, that the ground between such limit and the water was reserved by the proprietors. This would have been the legal consequence, from such a survey, unless the contrary had been shown.

It must be admitted, that the declarations of an agent, respecting things done within the scope of his authority, are not evidence to charge his principal, unless they were made at the time the act was done, and formed a part of the transaction.

The declarations referred to, were a part of the res gesta; they were explanatory of the act then being done; and they do not, as was contended, contradict the return, but tend to explain and confirm it.

The southern limit of Water street, was the point of inquiry before the jury. It was a question of boundary, and governed by the same rules of evidence, which are of daily application in such a case. In this view, were not the declarations of the person who fixed the boundary, legal evidence? Not declarations casually made, at a different time from that at which the survey was executed, but at the very time the act was done. The proof of such declarations should have been admitted by the Circuit Court, because, under the circumstances, they formed a part of the transaction.

The declarations of a surveyor which contradict his official return, are clearly not evidence, nor ought they to be received, where he has no power to exercise a discretion, as explanatory of his return, while he is still living, and may be examined as a witness.

The exception taken to the rejection of Coate's deposition is abandoned.

Several exceptions were made to the charge of the Court to the jury.

"In saying that the property in question passed to Wilson, unless the jury should decide, that the whole ground to the river, was not only dedicated as a street, but that it must be capable of being used as such; and that it was used as a highway or street, and that the slip of land, if it was not wholly given to the public, as a street, or so much of it as was not so given, vested in the proprietors as the undisputed owners of it."

As the fee to this property was vested in the Penn family, at the time the town was laid out, it is a clear proposition, that such parts of the land as were not conveyed to the purchasers, or dedicated to the public, remained in the proprietors. But that part of the charge, which instructed the jury that it must appear that the ground to the river, was not only capable of being used as a street, but had been so used, is conceived to be erroneous.

From the evidence in the cause, it appears that the northern bank of the Monongahela, from its junction with the Allegheny, to the extent of the town plat, is elevated, in many places; it not having yet been improved, so as to admit of an easy approach to the river. Some of the streets leading south have been extended to the river, and some of the squares have been so graduated and paved, as to reduce to an inclined plane, the ground from the northern limit of Water street to the river.

When complaint was made to Woods, that Water street would be too narrow, he observed, that its width



might be artificially extended, for the convenience of the citizens, to the river. From this, it appears, that the ground was not then in a condition to be used as a street, and that much labor was required, to place it in that situation. But, if it were dedicated for that purpose, at the time the survey of the town was made, is it essential, that it shall have been used as such within a limited time? This would hardly be pretended as it regards other streets in the town. Suppose Market street, or Wood street, leading north and south, had not been improved, by the city of Pittsburg until this time, could the original proprietors claim it as their property? If the dedication of these streets, to the public, were a matter of doubt, and a jury were about to inquire into the fact, it is admitted, that their not having been improved or used as streets, would be a circumstance which the jury might weigh, against the proof of dedication. But, it would, most clearly, be error, for the Court to instruct the jury, that unless the ground claimed for these streets was in a situation to be used as streets, and had been so used, there could have been no dedication. This appears to have been the purport of the instruction to the jury, in regard to Water street. The words used were, that the jury must be "satisfied, not merely that the open space was used by the inhabitants of Pittsburg or others, but that it was used as a highway or street; and that in weighing the evidence on this point, they would naturally inquire whether, from the nature of the ground, it was capable of being so used."

From this instruction, the jury were required to find, against the right asserted in behalf of the city, unless the ground referred to, had been used as a street or highway. This substituted the use for the right; and made the latter to depend upon the former. The right, was not necessarily connected with the use, within a limited period, as no such condition appears to have been imposed, at the time it was granted. Whilst the Circuit Court might have called the attention of the jury to the fact, that the ground in controversy never having been used as a street, was a circumstance which they ought to weigh, against the dedication contended for, it was error in them to say, in substance, there could be no right without the use. This withdrew from the jury the main point of inquiry, by substituting another, the existence or non-existence of which, was not inconsistent with the principal fact.

It was not essential for the city to show, that the entire slip of land referred to, had been used as a street, but it was essential to establish, that it had been dedicated as such.

The second objection to the charge is, that the Court instructed "the jury, that no title in the corporation had been shown, to a single foot of ground within the city, and that the acts of ownership, exercised by the corporation, were altogether inconsistent with the right asserted in behalf of the public; and plainly conveying to the jury, the opinion, that the improper or peculiar use made of the ground in question, by the corporation, gave the plaintiff a right to recover."

The inference drawn in the conclusion of this assignment of error, may not be fully sustained by the language of the court; but they did instruct the jury, that the acts of "ownership exercised by the corporation, in the way which had been stated, were altogether inconsistent with the right asserted in behalf of the public; since, if the whole of this ground, to low water mark, on the river, had been dedicated for a street, it was vested as such in the public, subject to be regulated and preserved by the corporation, and could not legally be treated and used, as private property, by that body."

The Court here refer to certain wharves, which have been constructed by the city along the Monongahela, and on the ground claimed to be Water street. Connected with these wharves, is a graduated pavement, so as to render access to them, from the city, easy; and a tax is imposed on steam-boats and other vessels, for the use of them.

If this ground had been dedicated for a particular purpose, and the city authorities had appropriated it, to an entirely different purpose, it might afford ground for the interference of a Court of Chancery, to compel a specific execution of the trust, by restraining the corporation, or by causing the removal of obstructions. But even in such a case, the property dedicated, would not revert to the original owner. The use would still remain in the public, limited only by the conditions imposed in the grant.

It does not appear, however, that the construction of wharves on the river and the pavement of the ground, have in the least degree, obstructed its use as a street. The pavement has undoubtedly promoted the public convenience, and if the whole line of the street were graduated and paved, to the water, as a public way, it would be much more valuable than in its present condition. The wharves cause no obstructions to the use of this ground, as a street; and whether the city authorities have transcended their power in raising a revenue from it, by the improvements which have been made, is a question not necessarily involved in the case.

If that part of this ground, which is connected with the water, has been appropriated to other uses, than as a right of way, they are not inconsistent with such right; but if such had been the case, on that ground, the jury could not have rendered a verdict against the city.

Such cases might have tended to show, that the dedication of this ground, for a street, as contended for, had not been made; but no other or greater effect should have been given to them, had they been fully established, and their inconsistency, with the right asserted, clearly made out.

The third objection taken to the charge is, that the Court instructed the jury that "the deeds of Ormsby, and to Craig and Bayard, were inconsistent with a dedication of a space south of the Water street lots to the river; and, that these deeds conveyed the ground to the river, subject to the easement over a part of it."

The deed of Ormsby to Gregg and Sidney, bears date the fifth day of November, in the year of our Lord one thousand seven hundred and ninety-eight, and was for "a certain lot of ground, situate in the town of Pittsburg, aforesaid, marked in the plan of said town, number one hundred and eighty-three, bounded by Front street, the river Monongahela, and lots numbered one hundred and eighty-two, and one hundred and eighty-four; it being the same lot or piece of ground, which the honorable John Penn, and John Penn, jr. late proprietors of Pennsylvania, by their indenture bearing date the second day of October, one thousand seven hundred and eighty-four, did grant and convey unto the said Ormsby."

The deed to Craig and Bayard, from the Penns, bears date the thirty-first day of December, one thousand seven hundred and eighty-four; and conveyed to the grantees "and their heirs and assigns, thirty-two lots, or pieces of ground, situate in a point formed by the junction of the two rivers Monongahela and Allegheny, in the town of Pittsburg, marked in the general plan of said town, made by Col. Woods, numbers one, &c. which said plan is recorded, or intended to be recorded, in the office for recording of deeds for the county of Westmoreland." The said lots are bounded, northwardly, by the said Allegheny river; eastwardly, by Marbury, or Mulberry street; southwardly, by Penn street, and southwestwardly, by the Monongahela river."

The agreement under which this deed was executed, is dated on the twenty-second day of January, seventeen hundred and eighty-four; which was about six months before the town was surveyed. By this agreement, the Penns sold to Craig and Bayard, "a certain tract of land, in their manor of Pittsburg, laying and being in a point formed by the junction of the rivers Monongahela and Allegheny, bounded on two sides by the rivers aforesaid," &c.

As this last deed covers ground which had been sold



before the town was laid out, it is not perceived how it could be considered, as inconsistent with the dedication contended for. It is true, the deed was not executed until after the town plat was formed; but it was executed by force of a purchase made, prior to the survey of the town; and the purchaser had a right to insist on the boundaries designated in the agreement. If the present contest was limited to the ground embraced in this agreement, and included in the general description of the deed, it might become a serious question, whether the description in the deed of the lots, by their numbers as designated on Woods's plan of the town, would not control that part of the description which refers to the Monongahela river. But if it were admitted that this deed conveyed the land to the river, it could, under the circumstances, have no other effect, than to restrict the dedication of the ground for a street to the extent of the deed.

The deed from Ormsby, called for the lot by its number, as marked on the plan of the town, and bounded by Front street, the river Monongahela, and lots numbered one hundred eighty-two, and one hundred and eighty-four. The construction given to these calls was, that the ground to the river was conveyed, subject to the easement over a part of it. And this deed, the jury were instructed, was inconsistent with the dedication of the ground, to the water, as a street.

It is contended on the part of the defendant in error, that the charge given to the jury, on this point, was the legal construction of the deed, and consequently was a matter for the Court to determine.

The right of the Court to decide on the legal effect of written instruments, cannot be controverted; but the question of boundary is always a matter of fact for the determination of the jury. It is the province of a Court to instruct the jury, that they should fix the boundaries of the tract in controversy, by an examination of the whole evidence; and that artificial or natural boundaries called for, control a call for course and distance. But, it would withdraw the facts from the jury, if the Court were to fix the boundaries called for, and then determine on the legal effect of the instrument.

Suppose the controversy had been between the city of Pittsburgh and the person claiming under Ormsby, who asserted a right to the ground, under his deed, to the river. The city, in such a case, would have contended, before the jury, that taking the calls of the deed together, they would limit the conveyance to the lot designated on the plan of the town; and would not this have been a question for the jury to determine, under the instruction of the Court; an instruction, which should lay down the general principles of law in such a case, and the legal effect that would result from a certain state of facts; but, which should not take from the jury, the right of determining on the limits of the lot, from the calls in the deed. These calls are established by evidence extrinsic of the deed; they are matters of fact, for the investigation of the jury.

In principle, there is no difference between the case under consideration, and questions of boundary which are of daily occurrence. It is as much the province of a jury to determine the limits of a lot in a city or town, as the limits of any tract of land, however large or small. And, if the Court, in a question of boundary may fix the limits of the grant, and then say what the legal effect of it shall be, there is nothing left for the action of the jury.

The deed from Ormsby called for lot designated on the town plat one hundred and eighty-three, bounded by Front street, the river Monongahela, and lots numbered one hundred and eighty-two, and one hundred and eighty-four.

The plat of the town which is referred to, as containing a designation of the boundaries of the lot, fixes these boundaries as satisfactorily as any natural objects could fix them. Front street, is called for, which lies parallel with Water street, as the northern boundary of

the lot, and the adjoining lots lying east and west of it, are named as the eastern and western boundaries.

From this description, can any one doubt the intention of the grantor, and the understanding of the grantee. Does lot one hundred and eighty-three, as marked on the plan of the town, extend to the river? This will not be pretended; nor that lots one hundred and eighty-two, and one hundred and eighty-four, extend to the river. The call for the river then, in the deed in question, is inconsistent with the other calls in the deed. By the town plat, the southern boundary of the lot is limited by Water street, and by a call for this boundary it is as fixed and certain, as the call for the river. The same may be said of the eastern and western boundary of the lot. Shall these calls be all disregarded or controlled, by the single call for the natural boundary?

In a late case, this Court decided, that a call in a patent for a different county, from that in which the land was situated, might be controlled, by other calls in the patent. Such was the charge given to the jury, in the Court below, and it was sustained by this Court.

The Circuit Court, therefore, instead of saying to the jury, that the calls in this deed and the one to Craig and Bayard were inconsistent with the dedication of the ground referred to, should have instructed them, that the different calls ought to be taken together; and that the call for the river, might be controlled by the other calls in the deeds, if the jury should be satisfied, that such call had been inserted through inadvertence or mistake.

The fourth and last exception taken to the charge of the Court is, that they erred in instructing the jury, "that if a street or streets leading to the Monongahela river were necessary to the enjoyment by the inhabitants, of their property in the town, derived from persons under whom the plaintiff claimed, they are entitled to have them laid off over the land in dispute of right, not of favor; and that the law points out a mode by which this right may be enforced."

This instruction does not involve a point which was material in the case, and though it were erroneous, it might not afford ground for the reversal of the judgment of the Circuit Court. Whether this right existed or not, it is not conceived how it could have any influence with the jury.

The Court seem to refer to the law of Pennsylvania, regulating the opening of a public road. But the establishment of a public road, cannot be claimed as a matter of right. An application must be made, in the first instance, by petition, to the Court of Quarter Sessions; a review of the proposed road is directed, and its establishment depends upon the report of the reviewers, and other necessary sanctions. This law, however, it is insisted, could have no operation in the city of Pittsburgh, as streets and alleys are opened and regulated under the corporate authorities, and not the provisions of the road law.

It is not deemed necessary, in deciding the points raised in this case, to notice all the questions, discussed by the counsel, in their arguments at the bar. Whether Water street extended to low or high water mark, can be of no importance in the present controversy. If its southern boundary be limited by high water mark, it is clear that the proprietors parted with all their right. It is admitted by both parties, that the river Monongahela, being a navigable stream, belongs to the public; and a free use of it may be rightfully claimed by the public, whatever may be the extent of its volume of water. If Water street be bounded by the river on the south, it is only limited by the public right. To contend that between this boundary and the public right, a private and hostile right could exist, would not only be unreasonable, but against law.

Tench Francis, the attorney in fact for the Penn family, and the agent who succeeded him, must be considered, for some purposes, as the principal in these transactions. His principals were in Europe, and to his



discretion and superintendence, they, of necessity, assigned the management of their property in this country. The long acquiescence, therefore, in the plan of the town, as returned by Woods, affords a strong presumption against the right asserted by the plaintiff below, in this action.

The town was laid out in the spring or summer of seventeen hundred and eighty-four; no act was done by the proprietors, showing any claim to the land in controversy, until September, eighteen hundred and fourteen, when the deed to Wilson was executed. Here is a lapse of about thirty years, within which, no right is asserted by the Penn family, hostile to that which was exercised by the city, in the use of this ground, to the extent which its means enabled it to improve, and the public convenience seemed to require. A title which has remained dormant, for so great a number of years, and while the property was used for public purposes, and necessarily within the knowledge of the agents of the proprietors, is now asserted under doubtful circumstances of right. In some cases, a dedication of property to public use; as for instance, a street, or a public road, where the public has enjoyed the unmolested use of it, for six or seven years, has been deemed sufficient evidence of dedication.

The lapse of time, connected with the public use, and the determination expressed by the agent, at the time the town was laid out, to dispose of the whole of the manor, afford strong ground to presume, that no reservation of any part of the manor was intended to be made; and that the slip of land in controversy was not reserved. These were facts proper for the consideration of the jury, in determining the fact of dedication. They were calculated to have a strong influence to rebut the presumptions relied on by the plaintiff, in the court below.

If it were necessary, an unmolested possession of thirty years, would authorize the presumption of a grant. Indeed, under peculiar circumstances, a grant has been presumed from a possession less than the number of years required to bar the action of ejectment by the statute of limitations.

By the common law the fee in the soil remains in the original owner, where a public road is established over it; but the use of the road is in the public. The owner parts with this use only; for, if the road shall be vacated by the public, he resumes the exclusive possession of the ground; and while it is used as a highway, he is entitled to the timber and grass, which may grow upon the surfaces, and to all minerals which may be found below it. He may bring an action of trespass against any one, who obstructs the road.

In the discussion of this case, the same doctrine has been applied, by the counsel for the defendant in error, to the streets and alleys of a town. But in deciding the points raised by the bill of exceptions, it is not necessary to determine the question. Where the proprietor of a town disposes of all his interest in it, he would seem to stand in a different relation to the right of soil, in regard to the streets and alleys of the town; from the individual over whose soil a public road is established, and who continues to hold the land on both sides of it. Whether the purchasers of town lots are not in this respect, the owners of the soil, over which the streets and alleys are laid, as appurtenant to the adjoining lots, is a point not essentially involved in this case.

If the jury shall find, that the ground in question was dedicated to the public as a street or highway, or for other public purposes, to the river, either at high or low water mark, the right of the city will be established, and the plaintiff in the ejectment must consequently fail to recover.

Upon a deliberate consideration of the points involved in the case, this Court are clearly of the opinion, that the judgment of the Circuit Court was erroneous, and it is therefore reversed, and the cause remanded for further proceedings.

*From the Blairsville Record.*

#### SKETCHES, No. IV.

#### *Of the Life, and Military and Hunting Adventures of* **CAPT. SAMUEL BRADY,**

(Continued from page 186.)

Many of Captain Brady's adventures occurred at periods, at which no certainty as to dates can now be had. The following is of that class.

His success as a partizan had acquired for him its usual results;—approbation with some, and envy with others. Some of his brother officers censured the Commandant for affording him such frequent opportunities for honourable distinction. At length open complaint was made, accompanied by a request, in the nature of a demand, that others should be permitted to share with Brady the perils and honors of the service, abroad from the fort. The General apprised Brady of what had passed, who readily acquiesced in the propriety of the proposed arrangement; and an opportunity was not long wanting for testing its efficiency.

The Indians made an inroad into the Sewickly settlement, committing the most barbarous murders, of men, women, and children; stealing such property as was portable, and destroying all else. The alarm was brought to Pittsburg, and a party of soldiers under the command of the emulous officers, dispatched for the protection of the settlements, and chastisement of the foe. From this expedition Brady was of course excluded; but the restraint was irksome to his feelings.

The day after the detachment had marched, he solicited permission from his commander, to take a small party for the purpose of "catching the Indians;" but was refused. By dint of importunity, however, he at length wrung from him a reluctant consent, and the command of *five men*; to this he added his *pet* Indian, and made hasty preparation.

Instead of moving toward Sewickly, as the first detachment had done, he crossed the Allegheny at Pittsburg and proceeded up the river. Conjecturing that the Indians had descended that stream in canoes, till near the settlement, he was careful to examine the mouths of all creeks coming into it, particularly from the south east. At the mouth of Big Mahoning, about six miles above Kittanning, the canoes were seen drawn up to its western bank. He instantly retreated down the river, and waited for night. As soon as it was dark, he made a raft, and crossed to the Kittanning side. He then proceeded up to the creek, and found that the Indians had, in the meantime, crossed the creek, as their canoes were now drawn to its upper or north eastern bank.

The country on both sides of Mahoning, at its mouth, is rough and mountainous; and the stream, which was then high, very rapid. Several ineffectual attempts were made to wade it, which they at length succeeded in doing, three or four miles above the canoes. Next a fire was made, their clothing dried, and arms inspected; and the party moved toward the Indian camp, which was pitched on the second bank of the river. Brady placed his men at some distance, on the lower, or first bank.

The Indians had brought from Sewickly a stallion, which they had fettered and turned to pasture on the lower bank. An Indian, probably the owner, under the *law of arms*, came frequently down to him, and occasioned the party no little trouble. The horse, too, seemed willing to keep their company, and it required considerable circumspection to avoid all intercourse with either. Brady became so provoked that he had a strong inclination to tomahawk the Indian, but his calmer judgment repudiated the act, as likely to put to hazard a more decisive and important achievement.

At length the Indians seemed quiet, and the Captain determined to pay them a closer visit; and if in doing so,



he met with a ludicrous adventure, gentle reader, it is no fault of mine.

He had got quite near their fires; his *pet* Indian had caught him by the hair and gave it a pluck, intimating the advice to retire, which he would not venture to whisper; but finding Brady regardless of it, had crawled off; when the Captain, who was scanning their numbers, and the position of their guns, observed one throw off his blanket and rise to his feet. It was altogether impracticable for Brady to move, without being seen. He instantly decided to remain where he was and risk what might happen. He drew his head slowly beneath the brow of the bank, putting his forehead to the earth for concealment. His next sensation was that of warm water poured into the hollow of his neck, as from the spout of a tea pot, which trickling down his back over the chilled skin, produced a feeling that even his iron nerves could scarce master. He felt quietly for his tomahawk, and had it been about him, he probably would have used it; but he had divested himself even of that when preparing to approach the fires, least by striking against the stones or gravel, it might give alarm. He was compelled, therefore, "*volens volens*," to submit to this very unpleasant operation, until it should please his warriorship to refrain; which he soon did, and returning to his place, wrapped himself up in his blanket, and composed himself for sleep as if nothing had happened.

Brady returned to, and posted his men, and in the deepest silence all awaited the break of day. When it appeared the Indians arose and stood around their fires; exulting, doubtless, in the scalps they had taken; the plunder they had acquired; and the injury they had inflicted on their enemies. Precarious joy: short lived triumph; the *avenger of blood* was beside them! At a signal given, seven rifles cracked, and five Indians were dead ere they fell. Brady's well known war cry was heard, his party was among them, and their guns (mostly empty) were all secured. The remaining Indians instantly fled and disappeared. One was pursued by the trace of his blood, which he seems to have succeeded in staunching. The *pet* Indian then imitated the cry of a young wolf, which was answered by the wounded man, and the pursuit again renewed. A second time the wolf cry was given and answered, and the pursuit continued into a windfall. Here he must have espied his pursuers, for he answered no more. Brady found his remains there three weeks afterwards, being led to the place by ravens that were preying on the carcass.

The horse was unfettered, the plunder gathered, and the party commenced their return to Pittsburg, most of them descending in the Indian canoes.

Three days after their return, the first detachment came in. They reported, that they had followed the Indians closely, but that the latter had got into their canoes and made their escape.

KISKEMINETAS.

## APPRENTICES' LIBRARY COMPANY.

Annual Report of the Managers of the Apprentices' Library Company of Philadelphia. With an appendix. Read at a meeting of the Company, held at their Rooms, on the 12th of March, 1832, and published by their order.

*In conformity with the provisions of the Charter, the Managers of the Apprentices' Library submit the following Report of their administration of its affairs for the past year.*

The increased number of applicants for books, having produced a determination in the Board which immediately preceded us, to open the Library four nights in each week, instead of two, as had previously been the

practice, measures were adopted immediately after the organization of this board, to adapt the arrangements of the institution to their decision.

These arrangements resulted in causing the Library to be opened on Monday, Wednesday, and Friday evenings, and on the afternoon and evening of Saturday of each week, and in such a classification of the applicants, as enabled the librarian and his assistant more effectually and beneficially to discharge the trust committed to them.

Ten hundred and thirty-one boys are now participating in the benefits of the institution. The monthly average number for the whole year has been eight hundred and thirty-three: and five thousand individuals are estimated to have enjoyed its privileges since it was established.

Since last report, seventeen members have been added to the company, and the additions to the Library, by purchases and donations, have been six hundred and twenty-three volumes. Two hundred and ninety-four volumes have been rebound, and the Library now consists of about seven thousand volumes comprising as valuable a collection of works in science and useful literature, as is to be found in any similar institution in this country.

The minutes of the Committees of Attendance furnish evidence of the benefits which this institution is silently, but steadily conferring on the community. The orderly deportment of the boys, the avidity with which instructive books are sought after, and read, and the care which is manifested for their preservation, strikingly illustrate the meliorating influence of sound literature and knowledge upon mind and manners.

The report of the Treasurer, herewith submitted, exhibits the present condition of the finances; showing an expenditure of two hundred and eighty-nine dollars, and ninety-three cents, for the purchase and binding of books; and five hundred and seventy-one dollars, and eighteen cents for the salaries of the librarians, rent, and incidental expenses of the establishment.

The Board have been careful to guard against the introduction of books of a demoralizing, or useless tendency; and at the same time to present to the applicants a collection which would reward the readers, with pleasure, as well as instruction. That this result has crowned their labours, a constantly increasing number of applicants for books, gives the most animating testimony. Numerous as the institutions are in this city, whose pretensions to public favour rest on a more attractive basis than the Apprentices' Library, we feel well assured, that none can claim the meed of a widely extended patronage with more justice, than an institution founded for the promotion of orderly and virtuous habits, the diffusion of knowledge, and the extension of the benefits of education.

That the efforts of the Company have been successful, is manifested in the improved habits of our apprentices, and in the prevalence of a greater degree of information amongst our younger citizens, whose inquiries after knowledge have been stimulated by a participation in the benefits which this institution has offered to the community. To them particularly, it appeals for countenance and aid: in commending it to the fostering care and liberal patronage of the public, we trust that it may be provided with abundant means for diffusing one of the best gifts of Heaven.

By order of the Board of Managers,

PHILIP GARRETT, CHAIRMAN.

F. FRALEY, SECRETARY.

Philadelphia, March 12th, 1832.

"*The Apprentices' Library Company of Philadelphia,*"  
in account with Samuel Sellers, Treasurer. From  
March 14th, 1831, to March 10th, 1832.

DR.

To Balance,  
To Cash paid Rent, per orders,

\$ 3 04  
125 00



To Cash paid Book Committee,	\$250 00
“ Salaries,	272 02
“ Printing,	56 82
“ Serving Report and notices to Members,	14 74
“ Insurance on Books, amt. \$1500,	6 00
“ Payment Loan of S. Sellers,	200 00
“ Carpenter's Work,	29 00
“ Binding Books,	39 93
“ Blank Books,	6 25
“ Oil,	24 21
“ Room Committee, Fuel, and Care of Room,	37 14
	<hr/> \$1064 15

cr.

By Cash, amt. collected of Members, deducting commissions,	\$602 65
“ amt. collected by Librarian for Catalogues and fines,	182 25
“ amt. collected of Room Committee, Rent of Room,	60 25
“ One year's ground rent,	75 00
“ Dividends Bank of N. America,	20 00
“ “ Farmers' and Mechanics' Bank,	4 00
“ 1 year's Interest, Ches. and Del. Canal Loan,	108 00
By Balance,	12 00
	<hr/> \$1064 15

## FUNDED STOCK.

Ches. and Del. Canal Loan,	\$1800
Ground Rent, par value,	1250
1 share Stock, Bank of N. America, par,	400
1 do. Farmers' and Mechanics' Bank,	50
	<hr/> \$3500

SAMUEL SELLERS, TREASURER.

Philadelphia, March 10th, 1832.

The Subscribers having been appointed by the Managers of the Apprentices' Library Company, to examine and settle the Treasurer's Account, and having attended to that duty, and compared his payments and vouchers, find the Account correct. A balance is due to the Treasurer, of twelve dollars.

SAMUEL MASON, Jr.  
HENRY FARNUM.

3d mo. (March) 10th, 1832.

## CONSTITUTION

*Of the Geological Society of Pennsylvania.*

The subjects of this society are declared to be to ascertain, as far as possible, the nature and structure of the rock formations of this state—their connection or comparison with other formations in the United States, and of the rest of the world; the fossils they contain—the minerals in which they abound—their nature, positions and associations, and particularly, the uses to which they can be applied in the arts, and their subserviencies to the comforts and conveniences of man.

To effect these desirable objects its members promise to contribute their individual exertions, and to use their influence to have the state geologically surveyed, to assist in making a State Geological and Mineralogical collection, to be geographically arranged, at such place as the society shall appoint; and to disseminate the useful information thus obtained by geological maps, charts and essays.

The Society shall consist of such persons as may subscribe this Constitution, and such others as shall here-

after be elected agreeably to this Constitution and the By-Laws hereafter made.

Honorary members may be elected.

The Academy of Natural Sciences of Philadelphia, the Chester county Cabinet, the Cabinet of Science of Bucks county, the Cabinet of Natural Science of Montgomery county, the Library and Reading Room of the Northern Liberties, the Cabinet of Natural Science of York county, the Cabinet of Natural Science of Bradford county, and such other similar societies as shall be hereafter erected in this state, under the auspices of this society, shall have a right to nominate to us, annually, one of their members, who (unless some good reason can be given to the contrary) shall for the time being, enjoy all the privileges of members of this institution.

This society shall hold stated meetings twelve times a year, and adjourned meetings as much oftener as they shall think proper. Four meetings at least, if practicable, shall take place at the following places, viz: Philadelphia city, Pittsburg city, and the borough of Harrisburg.

The officers of the Society shall consist of one President, a Vice President for each city and county in the state, one Treasurer, one Corresponding Secretary, and as many Assistant Corresponding Secretaries as there are Vice Presidents, to be nominated by the Vice Presidents respectively, one Recording Secretary, one Librarian; and such other officers as shall be from time to time appointed.

Each member shall pay annually into the hands of the Treasurer, five dollars.

At a meeting of the Society held the 25th day of February, 1832, the following Officers were elected.

President—JOHN B. GIBSON.

Vice President for Philadelphia City—NICHOLAS BIDDLE.

Vice President for Philadelphia County—S. H. LONG.

Treasurer—HENRY S. TANNER.

Recording Secretary—GEORGE FOX.

Corresponding Secretary—P. A. BROWNE.

**Snow.**—We were visited with a slight fall of snow on Saturday (March 17th,) barely covering the ground, together with a slight spitting on Wednesday also. Our low spots still exhibit traces of snow and ice, and the weather continues frosty and cold during the evenings and mornings.—*Miners' Journal*.

**EASTON, Pa. March 13.**

We have now a roaring freshet in the Delaware and Lehigh. The Delaware commenced rising the night before last. Yesterday evening it was up to the 18 feet mark on the pier of the bridge—this morning at 8 o'clock it was at 21. The water is now 8 feet over the Lehigh dam; until last evening the Lehigh was highest, during the night, the water in the Lehigh fell, and the Delaware got the ascendancy. The low lands at South Easton, and Philadelphia road, below the Lehigh bridge, are under water, and the Philadelphia stage had to take the hill road this morning. For some distance below this place, the water covered the tow path of the canal.

There has been a great deal of ice driving on the Delaware during last night and this morning—a Durham boat was caught to-day. We have had lots of trees, logs, and slabs, &c. descending.—*Whig*.

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# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. IX.—NO. 14. PHILADELPHIA, APRIL 7, 1832. NO. 223.

## ANNUAL REPORT OF THE FRANKLIN INSTITUTE.

### *Report of the Board of Managers,*

To the Franklin Institute of the State of Pennsylvania, for the promotion of the Mechanic Arts, the Board of Managers respectfully submit their Eighth Annual Report.

THE termination of the eighth year of our labours invites us to a review of the general concerns of the Institute, and of the progress which has been made during that year to promote the great objects for which it was established.

Pursuing the order which was adopted on former occasions, we shall first call the attention of the members to that part of our duties which is connected with education.

This was the first object of the founders of the Institute, and must ever continue to be one of its most important departments. Another year's experience adds to the high opinion previously formed of the general fitness of the plan of instruction heretofore pursued, while the success of some new and hitherto untried projects seems to invite to further experiments in order to add to its usefulness and efficiency. The separation of the subject of practical mechanics from the chair of natural philosophy and mechanics has added to the attractions of our lecture room. The instruction delivered every fortnight by our new lecturer, Mr. Franklin Peale, has from its novelty and from the intrinsic merits of the lecturer, attracted much attention on the part of the public: the experiment, so far as it has proceeded, has given to the Board great satisfaction, and has, it is hoped, been equally gratifying to the members of the Institute at large. By reducing the very extensive field which had fallen to the lot of Professor Johnson, it will relieve him from part of his duties, and enable him to devote more time to other portions of the important professorship committed to him. Natural philosophy may be considered as the very element of all the subjects taught in the Institute's lecture room. Without a proper knowledge of it, the students will derive much less benefit from the lectures on mechanics, or on chemistry. It is therefore desirable that this science should be taught as thoroughly as possible; and that the lecturer's attention and time be not divided between too many subjects. The course of chemistry, by Professor Franklin Bache, continues to enlist the attention of a large and respectable part of the community.

It is with much pleasure that the Board advert to the increasing interest in our lectures manifested by the females and younger branches of the families of our members. There have been issued by the actuary, 196 minors' tickets, 63 ladies' tickets, and two strangers' tickets. Including female minors, there are now 110 ladies attending our lectures, which is an increase of 44 over our number last year.

Our schools have also experienced some change in their organization, and have, we believe, increased in efficiency. The drawing school retains its usefulness, and includes at present thirty-nine pupils. The teacher of ornamental drawing, Mr. Bridport, having resign-

ed his situation, it has been found expedient not to fill the vacancy during the present winter. The teacher of architectural drawing, Mr. Strickland, is well qualified to give instruction in all the departments, and experience has satisfied us of the propriety of having but one teacher in the same room at the same time. Doubtless, if the funds of the Institute permitted us to retain for our own use some of the apartments which are now rented, a more enlarged plan of schools could be adopted, consistently with the ample accommodations which would then be at our disposal. Foremost among the departments which would claim a portion of these accommodations, would be the new English school lately opened by the Board. Our predecessors have had frequent opportunities of expressing their sense of the importance of the mathematical school, established soon after the formation of the Institute, and their regret that it did meet with that encouragement to which it seemed entitled. Believing that its failure proceeded from the circumstance that its plan was too restricted, and not sufficiently popular, the Board have this year established an evening English school; in which all the branches of a plain English education are taught; with this additional circumstance, however, that the high qualifications of the teacher will enable him to carry his pupils as deeply into the science of mathematics as it may be convenient or desirable that any of them should proceed. This school embraces, therefore, all that was expected of the mathematical school, while its more enlarged field of operations will, we hope, give it an additional degree of popularity with the members of our association. The salutary provisions of our laws, as well as the more powerful influence of public opinion, require that each apprentice shall receive from his master during the term of his apprenticeship, a certain amount of schooling. Unfortunately, however, this part of the indentures is in many cases but imperfectly attended to. It is the object of the Board to establish a school of such a character as shall command the good opinion of our members, and induce that large portion of those who are engaged in mechanical pursuits to select it as the best, for the education of their sons, and of the apprentices committed to their charge. To the journeyman, likewise, who wishes to improve himself, it will offer great inducements. Actuated by these views, the Board have selected for the teacher Mr. Seth Smith, and have placed the expenses of the school upon the lowest terms. The committee of instruction have reported to the Board the entire satisfaction which they experienced from the judicious mode of instruction adopted by Mr. Smith, from the good order and attention which prevail in the school, and from the accommodations which it affords to those who now attend it. It has been open but a few weeks, and the number of pupils in attendance is consequently very limited, but there is reason to hope, that after it shall have been longer in operation, and have become more generally known, it will receive additional patronage, and by its increased numbers, as well as by its merits, reflect credit upon the Institute. To the fostering care and attention of their successors the Board would respectfully recommend this school, as an instrument calculated to produce great good.

The Board having ascertained in the beginning of the



year, that a gentleman of this city was disposed to give a course of lectures on geology, provided sufficient encouragement were given him, granted to him the use of their room, free of rent, or expense of lighting and heating, on condition that corresponding advantages should be extended by him to such of our members as chose to attend the lectures, and it is believed that a number of them availed themselves of the opportunity.

The following schedule exhibits the benefits derived by the community from our system of lectures and schools; premising, however, that it does not include the number of members of the Institute that attend the lectures, but merely the extra tickets sold, during the last and present winter.

	1830-1	1831-2
Lecture tickets sold for minors,	175	196
do. do. ladies,	42	63
do. do. strangers,	2	2
	219	261
Drawing school tickets, architectural department,	41	39
Drawing school tickets, miscellaneous department,	19 suspended.	
English evening school, recently established,		23
	279	323

Increase over last year 44.

The next subject to which we would invite your attention, is that of exhibitions. The experience of each succeeding year adds to our conviction that next to education, and second only to that in importance, are the displays of domestic manufactures made at stated periods under the patronage of the Institute. It would carry us too far at present, and indeed it would be a work of supererogation to enlarge upon the great benefits which the country derives from them; it will suffice to state, that to the Institute itself they are of incalculable advantage—they keep it in close and intimate connexion with the manufactures and mechanics not only of this city, but of the Union at large—they quicken the zeal and interest of our fellow citizens in the prosperity of an institution, which, so long as it shall continue to restrict itself to its legitimate field of operation, cannot fail to receive, as it will deserve, extensive patronage—they gratify the just and honorable pride of the mechanic, and induce him properly to estimate the character of the association, which enables him without any expense or trouble to himself, to select in his obscure and remote workshop, the wares which, when exhibited in broad daylight before thousands of his fellow citizens, procure to him the meed of approbation, as well as the more solid benefits resulting from a due appreciation by the consumer of the merits of the manufactures of our own country. To promote these exhibitions, and to secure their success, it is the duty of those whom you have intrusted with the stewardship of your affairs, and who have excepted the trust, to spare no exertions, and to avoid no reasonable expense. Impressed with these views, this Board adopted at their very first meeting the project of holding an exhibition in 1831, and at their first stated meeting, they decided that as no views of mercenary profits influenced the Institute in their establishment, all the proceeds from the sale of tickets of admission, should go to the defraying of the expenses of the exhibition, and that any surplus funds should be appropriated to the improvement of subsequent ones. Accordingly the expenditures of the last exhibition have been upon a more liberal scale than those of any that preceded it. Our actuary was sent to visit the principal manufacturing towns and establishments in the United States, in order to establish a personal connexion between the proprietors and the Institute. They were invited to send their goods to our exhibitions, the objects and character of which were fully

explained to them. Several of them availed themselves of the opportunity of doing so, and others who were not prepared for the exhibition of 1831, have promised to contribute to them in future. The success of that held in October last has fully realized our most sanguine expectations, and is believed to have exceeded in interest any of those which had preceded. It has certainly shown that neither the zeal of our manufacturers, nor the interest of the public, had suffered the least impairment by the frequent repetition of our appeals to them. Influenced by these motives, the Board immediately afterwards considered the propriety of holding the eighth exhibition in October next, and resolved the question affirmatively. Without intending to decide that circumstances may not at some future time require that their recurrence be less frequent, we shall confine ourselves to the statement that hitherto no such necessity has presented itself, and that we are of opinion that it is the duty, as well as the interest of the Institute, however troublesome their exhibitions may be, not to shrink from them so long as they are productive of the benefits which have hitherto attended them. If any further proof be wanted of the estimate in which they are held by the public, we shall find it in the readiness with which the Institute have been intrusted with the appropriation of moneys raised for the advancement of certain branches of industry. The sum of one hundred and twenty dollars was last year placed at their disposal to encourage a competition on stoves and grates for anthracite; of this fund one hundred dollars have already been awarded. A still more flattering proof of confidence was evidenced in the appropriation by the City Councils, of the sum of one hundred dollars, to be awarded by the Institute to the successful competitor on street lamps, in October next.

With a view to do justice to all those who had deposited their wares at our last exhibition, a full account of it has been published in pamphlet form, and is in the course of distribution. To it is annexed the plan of the eighth exhibition, with the list of premiums to be then awarded; the Board would earnestly invite the members to assist in its extensive circulation. Finally, it is gratifying to the Board to state that they have succeeded in obtaining a sufficient number of medals to redeem the pledges given, not only at the last exhibition, but even at the preceding ones, and that a public distribution of them will take place on the 21st instant, and that it will be preceded by an address by a member of the Institute. Those to whom honorary mentions have been awarded, will at the same time receive the certificates which have been prepared for them.

The Journal of the Institute has been continued with every possible attention. The valuable services of our esteemed editor, Dr. Jones, have been secured for a continued period by a new arrangement equally satisfactory to himself and to the Institute, and the difficulties and obstacles produced by his distant residence have been removed by the assiduity of a committee of the Board. The Journal has, during the last year, contained more original matter than at any former period. It includes the description of four hundred and seventy-two American patents, with remarks upon their respective merits, and full copies of the specifications, accompanied by plates, were published whenever the importance of the subject warranted it. The patronage which the Journal receives is gradually increasing, though by no means equal to what we would fain hope that it will be after its merits shall be better known and more fully appreciated. It is perhaps not sufficiently known that the Board have, by great exertions, succeeded in making arrangements which enable them to offer a liberal compensation to those authors who contribute communications to the Journal. This arrangement, it is believed, will add much to its merit. The nett increase in the list of subscribers during the last year does not exceed eighty-eight, but it is hoped that by due exertions a larger accession will be obtained.



The Journal has been enriched this year by the publication of meteorological observations; a subject which had been heretofore unattended to, but which in the present state of science should not be neglected. These are interesting, as it is believed that there are very few meteorological tables regularly published at this time in the United States.

The investigations, commenced two years since, on the subject of water power, were carried on with a perseverance and devotion on the part of the committee to which they were intrusted, that entitle the results which they have obtained to the fullest confidence. That the range of their inquiries was extensive, and the attention bestowed upon each part, minute, will appear from that portion of their report which has been laid before the public. Those who had expressed surprize at the length of time which elapsed, before the commencement of the publication, have ceased to wonder at it, since the extent of their calculations has become manifest. The published part of the report already includes sixty pages, and contains the results of 694 experiments, the effect of each of which has been subjected to minute calculation. The residue will be published with as much rapidity as can be done, consistently with the numerous engagements of the gentlemen who are preparing the report.

The committee charged with the investigation of the causes of explosions in steam boilers, have also been zealous in the pursuit of the subject intrusted to them. An extensive diffusion of their circulars produced an accumulation of reports and communications, some of which contain much instructive and interesting matter. As the curious facts which it embraces seem to deserve immediate publication, a selection was made from the mass, and the publication has been continued for several months; adding, it is believed, to the interest of the Journal. In addition to this, the committee have made experiments upon many of the points which were deemed deserving of particular investigation, and have expended about one half of the fund which was placed at their disposal for that purpose. It is hoped that the whole of the experiments will be completed in the course of a few months, when their results will be brought before the public.

The Institute have also commenced an investigation of much interest, into the resources of our great commonwealth, considered in relation to its industry and manufactures. It is one of the peculiarities of a country situated as ours is, that the constant increase of its wealth and population, as well as the great fluctuations produced by it, renders the task of collecting statistical information extremely difficult, while at the same time it becomes the more important. With a view to contribute their aid in this respect, and disavowing all considerations not strictly scientific, the Institute have raised a committee for the purpose of attending to this subject. The Board merely introduce a notice of it here, in order that the report may embrace a connected view of all the subjects which receive the attention of the Institute.

For the same reason, they would state that, it having been ascertained that a representation to the Secretary of State on the subject of the existing patent laws would be kindly received, a committee was raised in the Institute for the purpose of addressing a memorial to him on that subject, and that there is reason to hope that at an early day, the existing system, which is confessedly very defective, will be considerably improved.

The library of the Institute is receiving some additions; and the accessions by way of purchases, exchanges, and donations, are such as to give it increasing value. The reading room is daily becoming more attractive, and forms a useful point of union for our members. The Board regret that the limited means of the Institute do not admit of giving to the library that extension which its importance deserves. The subject must be borne constantly in mind, in order that advantage may be taken of any favorable contingency.

The collection of models and minerals is in the same condition as at the last annual meeting. It is to be regretted that the finances of the Institute do not admit of any appropriation for their increase, but the Board recommend it to the zeal and liberality of their members to lose no opportunity of securing its extension.

Experience has proved the inconvenience attending the want of a collection of the objects that are used in the arts as raw materials, or that result from the various operations practised in laboratories and workshops. To the lecturer on chemistry, such a collection would be of immense advantage, and to the students it would be highly useful by bringing many objects before their eyes and stimulating them to inquire into their nature and properties. Such a collection would not be expensive, but would require much time and assiduity to complete it. It is understood to be anxiously called for by our professor of chemistry, and the Board recommend it to the early attention of their successors in office.

There is a committee of the Institute, the duties of which are of the utmost importance, and which has, it is believed, been of some benefit to many respectable and ingenious mechanics: we allude to the committee charged with inquiring into all inventions submitted to them, and reporting upon their merits. Its duties are delicate and difficult, but they have hitherto been conducted in a manner to be useful to the applicants, avoiding all causes of offence to those whose inventions they are unable to commend. During the past year many applications have been made to them, most of which have been disposed of by reports.

This committee, as well as most of the standing committees, hold stated meetings once a month at least, and some even once a week. These frequent meetings, although consuming much time, are found to advance very much the interests of the various departments committed to them.

The Board have pleasure in informing the Institute that the diploma of membership, which it is understood has been anxiously wished for by many of the members, has been executed in a manner which they think will be creditable to the taste of the Institute, as well as to the state of the arts in our country. It will be ready for distribution among the members, as soon as a sufficient number of copies can be printed and prepared.

There is an object to which the attention of the Institute was called at the time of its origin, and which it has not yet had the means of carrying into execution. Its importance, and the calls for it, are, however, increasing from day to day. We advert to a chemical laboratory, devoted to practical operations, either in analytical or technical chemistry. There is at present no such establishment in the city; we believe there is none in the United States. In a place where the arts and manufactures are daily extending in importance and value, the want of it is greatly felt. Our lecturers on chemistry have their time too much occupied by the preparation of experiments for their lectures, to be able to attend much to the practical instruction of pupils. The few professors, who are disposed to receive youths in their laboratories, make this, at most, but a secondary object; it is with them rather a matter of favor than of business. The advantages which France has derived from the able chemists that were instructed in the ancient laboratory of the Royal Mint, and in the more recent ones of Vauquelin, and of the Royal School of Mines, are too well known to require comment. The expense of fitting up such a laboratory would probably not exceed 1000 dollars, and would be amply repaid by the benefits which it would produce. There is not at present a place in which a person having a specimen of the most common iron or lead ore, can have it tested, or its value ascertained. A member of this Board, who at one time pursued this subject professionally, but who has relinquished it entirely, states that he has had more applications during the last year than he had during the four years that he kept a laboratory open in this city for



that purpose. It is not improbable that if one were now established, and placed under the care of a skilful and competent individual, the expenses of it might be defrayed by a very reasonable charge for the instruction of pupils, and a small fee on all minerals and other matters brought for analysis or examination. To the community at large, the benefit would be very great, and to the Institute the establishment would be highly creditable. The Board recommend it to the early attention of their successors in office.

During the last year, the Board have elected 264 new members, and have received the resignation of twenty; making an accession to our members of 244, from which however some deduction must be made for deaths and removals not regularly reported to them. Among the deaths, the Board regret to number that of Mr. Joseph H. Schreiner, who for the last five years was one of their associates.

The report of the treasurer hereto annexed, exhibits an account of the receipts and expenditures during the past year, leaving a balance in his hands on the 10th inst. of \$478 77, against which, however, must be placed the out-standing orders drawn by the Board amounting to \$818 85, and leaving a deficiency of cash of \$340 08 to be paid out of the future receipts of the treasury.

During the last year the following gentlemen have become life members:

ANTHONY FINLEY,	M. D. LEWIS,
THOMAS SCATTERGOOD,	J. J. KATES,
ROBERT HOARE,	MICHAEL KATES,
WM. B. FLING,	C. M. EAKIN,
RUDOLPH DIETZ,	W. J. YOUNG.

The Board have not overlooked the necessity of continuing the salutary measures adopted by their predecessors for the reduction of the heavy debt incurred in the erection of their hall; and besides paying all dividends that were claimed to the amount of \$1515, they have added the sum of \$1053 58 to the sinking fund, which now amounts to \$7398 81, reducing the debt to the stockholders to \$26,601 19.

All of which is respectfully submitted, by

(Signed,) M. D. LEWIS,  
Chairman.

WILLIAM HAMILTON, *Actuary.*  
Philadelphia, January 18th, 1832.

## FIRST ANNUAL REPORT

OF THE

## PHILADELPHIA INSTITUTE.

### *Patrons and Friends,*

It is now one year since the Philadelphia Institute was organized, and by the sixth article of the constitution it is made the duty of the board of directors to report annually their proceedings, and the condition of the Institute.

The first meeting of the directors was held on the 6th January, 1831; when, after carefully considering the objects committed to their care, they elected a missionary and general agent, at a salary of \$800 per annum, in order to render their plans more efficient. The person selected was the Rev. A. Judson—a gentleman well known to the Christian public for his devotedness to the interests of Sunday schools, and especially as the author of the Sunday School Scripture Questions.

The general agent entered immediately on the duties of his appointment, and established such meetings among the young men as were calculated to make them better acquainted with their duty towards God, and render them more useful members of society. These meetings have been unremittently attended by the general agent, except during the warm weather, when the attendance of the young men decreased, and at the suggestion of the general agent, they were suspended for a short period. The number of young men

attending these meetings was at no time so large as was desired—but notwithstanding the limited number which did attend, it is believed that incalculable blessings have attended this part of his labours among them. A number have become hopefully pious, and many more have connected themselves with temperance and other associations calculated to improve their own, and the characters and condition of those with whom they are connected. At the close of the month of November, the general agent retired from the service of the Institute, with the most friendly feelings and best wishes of the board, to enter upon another extensive field of usefulness, in the neighbourhood of the city. The Sabbath lectures are still continued, and depend exclusively upon such supplies as can be obtained. The board, however, are anxiously engaged in looking for a person with suitable qualifications for interesting young men; persuaded, as they are, that much of the success of the Sunday lectures will depend upon the peculiar tact and qualifications of the lecturer. To the authorities of the Second Presbyterian Church, the Institute is greatly indebted for the gratuitous use of their best room in Cherry above Fifth street, for our Sabbath lectures.

Shortly after the organization of the board, the project was started, and after mature deliberation carried into effect, for establishing a reading room exclusively for the benefit of young men between the ages of fourteen and twenty-one years. It was believed by the board, that very many apprentices, who, if they were desirous of improvement, and had access to books, possessed no comfortable accommodations for reading; and were thus forced into associations which under other circumstances they would have avoided. The board felt that the project was one of considerable difficulty, and required no ordinary prudence to render it unobjectionable and successful. The spacious and central room on the second floor of the lecture room in Cherry above Fifth street was rented, at the rate of \$150 per annum, and suitably furnished to render it both attractive and comfortable. The whole expense of furnishing was \$380 16. The board take pleasure in acknowledging the liberal donations in books, made by many of our eminent booksellers and publishers, and also by private individuals to whom the subject was presented and explained; and they feel that it is due to the patrons and interests of the Institute, to name individually the donors who, by their contributions in money, books, papers, and periodicals, approve so unequivocally of our objects.

The Institute is now furnished gratuitously by the different publishers, with nearly all the daily city journals, and some very interesting monthly and quarterly periodicals. Nor have the interests of the reading room suffered for want of papers published out of the city. Beside those received gratuitously from other cities, and sent by their publishers, the kindness of a publisher here, (Doctor Porter) places at our disposal an extensive variety of respectable exchange papers. To all we tender our unfeigned thanks.

The number of volumes upon our shelves, and among them some very valuable works, is 607, and of daily and weekly papers upon our tables, including those published out of the city, is 29, and monthly and quarterly periodicals 7. But two journals are paid for; one published in New York, and the other in Boston.

The terms of admission to the young men are, it is believed, extremely liberal; being but fifty cents a year, and a careful observance of the rules of the reading room.

It was thought that unless some subscription or annual payment was exacted, a sufficient interest would not be felt in it by those for whom it was established, and could any other more liberal mode be adopted which will produce the desired result, the present terms of admission will be abandoned, to give place to those of a more liberal cast. The room is under the care of



a librarian, and is open every evening except Sunday and Wednesday evenings, until half past nine o'clock. The librarian, who is a gentleman of amiable disposition and manners, is employed at a salary of \$150 per annum, and is required to spend his evenings at the room when open. It is gratifying to be able to state, that the conduct of the young men attending the reading room is such as to meet the entire approbation of the board. The number of names upon our books as members, is 247. The greater part of them entered immediately after the establishment of the room, and many no doubt entered from motives of curiosity. The number who are now present at one time might be increased without inconvenience.

In addition to the means already noticed, gratuitous lectures on scientific subjects adapted to the capacities of young men, with experiments, have been delivered once a week, on Thursday evening. The interest taken in these lectures is very encouraging. The number desirous of attending, made it necessary to admit them by ticket, limiting the number to 400. Their conduct is respectful and highly commendable; and many doubtless have acquired a taste for such pursuits and studies, as will greatly improve their characters, and render them more useful in the various spheres in life in which they will be soon called to act.

Beside the immediate service which the board was enabled to render, the Institute is greatly indebted to the kindness of two distinguished gentlemen, (Dr. J. K. Mitchell, and Franklin Peale, Esq.) for aid in their endeavours to interest and instruct the young men who have availed themselves of the advantages which the Philadelphia Institute affords.

By the report of our treasurer, it will be seen that we must again commit our cause to the benevolence of those who are alive to the immense importance of training up and giving to the minds of our youth a proper direction, particularly when we remember that that portion for which the Philadelphia Institute was established, will soon become active members of society, and give it complexion and influence corresponding in a great degree with the intellectual and moral training which they have received.

#### *A. Martin in Account with the Philadelphia Institute.*

DR.	
To M. Newkirk's subscription,	\$100 00
Samuel Richards,	100 00
Richard Ashlurst,	20 00
William M'Kee,	20 00
Hilger, Wicht & Co.	20 00
Tobias Wagner,	20 00
Matthew L. Bevan,	20 00
Lewis Brown,	20 00
Garret Newkirk,	10 00
J. & J. Pogue,	5 00
Cash, J. S.	5 00
Francis Hoskins,	5 00
Henry F. Heberton,	5 00
William White,	5 00
Dulles, Wilcox & Welch,	5 00
James Dunlap,	5 00
Cash, A. V.	5 00
Ferdinand Heiskell,	5 00
Daniel Heberton,	5 00
1831, Feb. 17, Thomas Earp,	20 00
March, Young Men,	36 50
" Thomas Wattson,	5 00
April 6, John Steele,	20 00
" 12, Alex. Henry,	100 00
May 30, Thomas Fassitt,	20 00
" A. Martin,	20 00
" P. Lesley,	5 00
" Wm. Stavely,	2 00
Aug. 28, Young Men,	18 75

Sep. 27, J. N. Dickson,	20 00
" Wm. Cunningham,	20 00
" George Handy,	20 00
" 29, J. P. Schott,	10 00
" James Peters,	10 00
Oct. 4, D. Smith, Jr.	5 00
" R. S. Smith,	2 00
" H. M. Society of Fifth Presby- terian Church,	100 00
" James Fassitt,	20 00
" John Kern,	5 00
" Charles Bird,	20 00
" 23, John Weigand,	20 00
" 25, I. Ashmead,	20 00
" Samuel Lloyd,	20 00
" Thomas Elmes,	20 00
" Thomas Latimer,	20 00
" 20, R. Earp,	10 00
" J. B. Stryker,	10 00
" Jacob and John Thomas,	10 00
" R. Hertson,	10 00
Dec. 1, S. Comly,	20 00
" 5, James Gray,	10 00
" 16, J. C. Pechin,	20 00
" 24, G. W. McClelland,	10 00
" Jesse Smith,	5 00
" 26, A. M.	5 00
" 27, T. C. Rockhill,	20 00
" R. Ralston,	20 00
" 31, J. Lex,	20 00
" Paul Beck,	50 00
" J. Boyle	20 00

Total, \$1199 25

#### CR.

1831, March 9, By A. Judson, (salary)	200 00
" 14, P. P. Anderson,	20 00
" A. Finley, for maps,	11 00
" 16, Blight & Co. for coal,	9 00
" J. & W. Ewing, for lead,	4 41
" A. Martin, sundries,	12 50
" J. & B. Orne, for cloth,	27 00
" J. A. Stewart, for chairs,	30 00
" Wetherill, for paints,	6 47
April 9, M. Garnet, carpenter,	128 15
" John & G. Wise, for painting,	24 30
" M. Newkirk, for carpet,	59 86
" C. Cornelius, for lamps,	50 00
" Tickets and wood,	4 25
Sep. 3, W. Bowers,	42 25
Oct. 1, L. Finlow,	96 50
" A. Judson,	150 00
" 26, G. M. & W. Snider, for printing,	8 00
" I. Ashmead, sundries,	9 31
Nov. 18, A. Judson,	100 00
Dec. 27, Rent of reading room,	68 50
" R. Shepperd,	5 92
" L. Finlow,	20 00
" 29, J. Harned, for sundries,	2 12
" M. Dodd,	4 50
Balance,	105 21

Total, \$1199 25

Philadelphia, Jan. 9, 1832.

#### THE FOLLOWING IS THE LIST OF DONERS TO THE PHILADELPHIA INSTITUTE, FOR THE YEAR 1831, IN BOOKS.

J. G. Auner,	15 vols.
A. Claxton,	6
U. Hunt,	1
L. Johnson,	9
J. Kay, jr.	3
F. W. Porter,	1
Wm. F. Geddes,	3
By a Friend,	2
A. G. Coffin,	3



L. Dobelbower, - - - - -	1 vols.
Wm. B. Davidson, - - - - -	2
Russell & Martien, - - - - -	2
Mathew Carey, - - - - -	2
John C. Pechin, - - - - -	3
M'Carty & Davis, - - - - -	10
Anthony Finley, - - - - -	4
John B. Scull, - - - - -	1
John Grigg, - - - - -	34
E. Littell, - - - - -	4
Isaac Collins, - - - - -	43
A. S. S. Union, - - - - -	104
By a Friend, - - - - -	2
Rev. Dr. Ely, - - - - -	3
William Stavely, - - - - -	2
Miss M. North, - - - - -	1
Peter Kendel, - - - - -	2
Charles Bird, - - - - -	36
P. D. Stillman, - - - - -	6
Henry Bill, - - - - -	100
By Individuals, - - - - -	181
Jedediah Howe, - - - - -	21
Total, - - - - -	607

## NAMES OF DONERS OF PERIODICALS.

Jesper Harding, 1 daily,	Philadelphia.
Chandler & Loughhead, 1 daily,	do.
C. Alexander, 1 daily,	do.
S. Smith, 1 daily,	do.
Peter Hay & Co. 1 daily,	do.
Wm. F. Geddes, 1 weekly,	do.
Jesper Harding, 2 weekly,	do.
A. S. S. Union, 1 weekly,	do.
Russell & Martien, 1 weekly,	do.
S. C. Atkinson, 1 weekly,	do.
R. Smith, 1 weekly,	do.
Dr. H. H. Porter, 6 weekly,	do.
W. T. Brantley, D. D. 1 weekly,	do.
N. C. Saxton, 1 weekly,	New York.
Henry Welch, 1 weekly,	Harrisburg, P.
H. K. Stockton, 1 weekly,	Boston.
L. H. Sigourney, 1 weekly,	do.
L. G. Hoffman, 1 weekly,	Albany, N. Y.
N. Whitney, 1 weekly,	New Haven.
S. Hanmer, jr. 1 weekly,	Hartford, Ct.
Joseph Justice, 1 weekly,	Trenton.
J. C. Rudd, D. D. 1 weekly,	Auburn, N. Y.
Miller & Brewster, 1 weekly,	N. Hampshire.
E. Littell, 1 monthly,	Philadelphia.
Franklin Institute, 1 monthly,	do.
Kimble & Johnson, 1 semi-monthly,	Boston.
Russell & Martien, 1 monthly,	Princeton.
Carey & Lea, 1 Am. Quarterly,	Philadelphia.
Do. 1 Encyclopædia Am.	do.
Carey & Hart, 1 Library Ent. Knowl.	do.
PAID FOR.	
Hale & Hallock, 1 daily,	New York.
J. T. Buckingham, 1 semi-weekly,	Boston.

## SECOND REPORT

OF THE COMMISSIONERS APPOINTED TO REVISE THE

## CODE OF PENNSYLVANIA.

(Continued from page 197.)

## A BILL RELATING TO LAST WILLS AND TESTAMENTS.

Contents of the Act relating to last Wills and Testaments.

Section I. Who may make a will of real or personal estate.

“ II. In what cases a married woman may make a will.

“ III. At what age a will may be made.

“ IV. A father may appoint a testamentary guardian.

Section V. A widow or other tenant for life, may bequeath crops, &amp;c.

“ VI. In what manner a written will shall be made and proved.

“ VII. Under what circumstances a nuncupative will may be good.

“ VIII. *Proviso* for the case of mariners and soldiers.

“ IX. Words of perpetuity not to be necessary in devises of real estate.

“ X. After acquired property to pass by a general devise.

“ XI. Devise by husband to wife, to be in lieu of dower.

“ XII. Devise or legacy not to lapse by death of a lineal descendant.

“ XIII. Express revocation of wills of *real* estate.“ XIV. Express revocation of wills of *personal* estate.

“ XV. Marriage or birth of children to revoke the will of a man.

“ XVI. Marriage of a woman to revoke her will.

“ XVII. *Proviso* for the case of a testator, whose domicile is out of the state.

Section I. Every person of a sound mind, (married women excepted) may dispose by will of his or her real estate, whether such estate be held in fee simple, or for the life or lives of any other person or persons, and whether in severalty, joint tenancy, or common; and also of his or her personal estate.

Section II. Provided, that a married woman may, under a power legally created for the purpose, dispose of her real or personal estate, by will or appointment in nature of a will, and that any married woman may, with the assent or license of her husband, dispose of her personal estate by will.

Section III. And provided also, that no will disposing of real and personal estate, or of real estate alone, shall be effectual, unless the testator were at the time of making the same, of the age of twenty-one years or upwards; nor shall any will disposing of personal estate alone, be effectual, unless the testator were at the time of making the same, of the age of eighteen years or upwards.

Section IV. Every person competent to devise real estate as aforesaid, being the father of any minor child unmarried, may devise the custody of such child, during his or her minority, or for any shorter period.

Section V. The emblements or crops growing on lands held by a widow in dower, or by any other tenant for life, may be disposed of by will as other personal estate: also, rents and other periodical payments, accruing to any such tenant for life, or to any other person entitled under the laws of this commonwealth regulating the descent and partition of real estate, may so far as the same may have accrued on the day of the death of such tenant for life, or other person, be disposed of by will in like manner.

Section VI. Every will shall be in writing, and, unless the person making the same shall be prevented by the extremity of his last sickness, shall be signed by him at the end thereof, or by some person in his presence, and by his express direction; and in all cases shall be proved before the register having jurisdiction thereof, by the oaths or affirmations of two or more competent witnesses; otherwise such will shall be of no effect.

Section VII. Provided, that personal estate may be bequeathed by a nuncupative will, under the following restrictions:

1. Such will shall in all cases be made during the last sickness of the testator, and in the house of his habitation or dwelling, or where he has resided for the space of ten days, or more next before the making of such will, except where such person shall be surprised by sickness, being from his own house, and shall die before returning thereto.



2. Where the sum or value bequeathed shall exceed one hundred dollars, it shall be proved that the testator, at the time of pronouncing the bequest, did bid the person present, or some of them, to bear witness that such was his will, or to that effect.

And in all cases, the foregoing requisites shall be proved by two or more witnesses; who were present at the making of such will.

Section VIII. Provided, that notwithstanding this act, any mariner being at sea, or any soldier being in actual military service, may dispose of his moveables, wages, and personal estate, as he might have done before the making this act.

Section IX. All devises of real estate shall pass the whole estate of the testator in the premises devised, although there be no words of inheritance, or of perpetuity, unless it appear by a devise over, or by words of limitation or otherwise, in the will, that the testator intended to devise a less estate.

Section X. Real estate acquired by a testator after making his will, shall pass by a general devise, unless a contrary intention be manifest on the face of the will.

Section XI. A devise or bequest by a husband to his wife, of any portion of his estate or property, shall be deemed and taken to be in lieu and bar of her dower, in the estate of such testator, in like manner as if it were so expressed in the will, unless such testator shall in his will declare otherwise: *Provided*, That nothing herein contained shall deprive the widow of her choice, either of dower or of the estate or property so devised or bequeathed.

Section XII. No devise or legacy in favor of a child, or other lineal descendant of any testator, shall be deemed or held to lapse or become void by reason of the decease of such devisee or legatee in the lifetime of the testator, if such devisee or legatee shall leave issue surviving the testator; but such devise or legacy shall be good and available in favor of such surviving issue, with like effect as if such devisee or legatee had survived the testator, saving always to every testator the right to direct otherwise.

Section XIII. No will in writing concerning any real estate, shall be repealed, nor shall any devise or direction therein be altered, otherwise than by some other will or codicil in writing, or other writing declaring the same, executed and proved in the same manner as is hereinbefore provided, or by burning, cancelling or obliterating or destroying the same by the testator himself, or by some one in his presence, and by his express directions.

Section XIV. And no will in writing, concerning any personal estate, shall be repealed, nor shall any bequest or direction therein be altered, otherwise than as is hereinbefore provided in the case of real estate, except by a nuncupative will, made under the circumstances aforesaid, and also committed to writing in the lifetime of the testator, and after the writing thereof read to or by him, and allowed by him, and proved to be so done by two or more witnesses.

Section XV. When any person shall make his last will and testament, and afterwards shall marry or have a child or children not provided for in such will, and die, leaving a widow and child, or either a widow or child or children, although such child or children be born after the death of their father, every such person, so far as shall regard the widow or child or children, after born, shall be deemed and construed to die intestate; and such widow, child or children, shall be entitled to such purports, shares and dividends of the estate, real and personal, of the deceased, as if he had actually died without any will.

Section XVI. A will executed by a single woman shall be deemed revoked by her subsequent marriage, and shall not be revived by the death of her husband.

Section XVII. Provided, that nothing in this act contained shall be construed to apply to the disposition of personal estate by a testator, whose domicile is out of this commonwealth.

#### REMARKS UPON THE BILL RELATING TO LAST WILLS AND TESTAMENTS.

The act of Assembly now in force upon the subject of the execution and proof of wills and testaments, is one of the most ancient in our statute book, having been passed in the year 1705. At that early day there were few persons familiar with legal instruments, and it was, perhaps, supposed by the Legislature, that the English law required the accompaniment of more forms in the execution of a will, than was necessary for the protection of the public against frauds and perjuries. That the framers of the act of 1705, had before them the English statute of the 29th Charles 2d, chapter 3d, is obvious, since the 3d, 4th, 5th, 6th and 7th sections of that act, are almost word for word the same with the 19th, 20th, 21st, 22d and 23d sections of the statute. The 5th and 6th sections of the statute, however, which direct the forms of execution and revocation of wills of *lands*, were omitted by our Legislature; and it cannot be denied, even by those who are the least disposed to alteration in the laws of property, that the act of 1705 is ambiguously worded, and unskillfully put together; and that it has, consequently, given rise to frequent and extensive litigation. Besides the looseness of the provisions respecting the execution and proof of wills generally, whether made in this state or elsewhere, which we shall remark upon hereafter, we may observe that the second section is so obscure in its language and object, as never, so far as we can learn, to have received any satisfactory construction or application; and in consequence of the 22d section of the statute of 29th Charles 2d, having been transferred exactly as it was found there, into the 6th section of the act of 1705, without advertent to the circumstance that the 6th section of the statute had not been re-enacted, it so happens that the Legislature provided against the repeal of wills of *personal* property by word of mouth, without any allusion to the repeal of wills of *real* estate. This omission has been the cause of several controversies which are reported in our books, and has compelled the courts rather to consult what they supposed was the design of the Legislature, than to adopt a literal construction of the act.

In the bill now submitted, we have endeavored not only to simplify and render clear the provisions of the present law, but to guard against doubts and difficulties that may arise hereafter upon points not heretofore the subject of legislative enactment.

The first five sections are intended concisely to describe who shall have power to execute wills of real and personal estate, and also to specify what may be the subjects of a devise or bequest. In the enumeration and restriction of the persons who may become testators, we have followed the generally received doctrines of the common law and equity, with this exception, that the power of making a will of *personal* property is confined to persons of the age of eighteen years and upwards. It appears to us expedient for the Legislature to settle, in explicit terms, a question upon this subject, which has been much debated; some writers holding that a will by an infant of the age of four years may be good, and others contending for different periods. Looking at the general capacity of minors and the legislation of other states upon the subject, it appears to us that the age of eighteen years may be safely taken as one of general competency for the purpose.

In the provision in the first section, that estates held for the lives of other persons may be devised, we have copied the British statute of 29th Charles 2d, chapter 3d, section 12; and we have followed the act of Assembly of 31st March, 1812, in providing that the interest of a joint tenant shall pass by a devise.

The fourth section, which authorizes a father to appoint by will a guardian to his minor children, contains the substance of the 8th section of the statute 12th Charles 2d chap. XXIV. so far as it is applicable to



this country, with this alteration, that the power is confined to persons of full age. It appears to us inconsistent with our system of law in general, as well as with reason and convenience, to intrust the appointment of the guardian of an infant to one who is himself under age.

In the fifth section we have incorporated a part of the British statute of 20th, Henry III. chapter 2d, authorizing widows to bequeath the crop of their lands; and we have added a power to all tenants for life, to bequeath the rents, or other periodical payments accruing to them, to the time of their death; the propriety of which we conceived to be apparent.

The sixth section contains an important alteration of the law of Pennsylvania, in respect to the execution of wills, which is submitted to the legislature, under a strong sense of its propriety and expediency. It has already been stated that the framers of the act of 1705 copied parts only of the statute of 29th, Charles II. That portion of the statute, which prescribed certain forms for the execution of wills of real estate, was omitted; and it was merely enacted that wills in writing, proved by two or more witnesses, should be sufficient to pass real or personal estate. Under the construction given by the courts to these terms, it is now the law of Pennsylvania, that real or personal property, to any extent or amount, may be transferred by a will, whether executed in Pennsylvania or in a foreign country; although there be no signature to such will, nor seal, nor attesting witnesses, and although such will be not in the handwriting of the testator; the result of this system is a frequent appeal to the courts for decision, upon papers set up as wills; and the uncertainty produced by it has been the subject of great regret to our most eminent judges and professional men. We may cite for example, the remark of Judge Reed, in his recent valuable edition of Blackstone's commentaries, while treating of the act of 1705. "It would be much better if due formality were observed in the execution of these instruments, as it would frequently save a great deal of expense, vexation, and litigation among near kindred."—*Penn. Blackstone*, vol. 2, page 294.

We are aware that the introduction of forms is not more consonant with the disposition of our citizens and with the genius of the present age, than it was at the era of the act of 1705; and we are not satisfied that it was necessary to require so many formalities as were prescribed by the statute of Charles II. But we think some form of authentication necessary, and we suggest the signature of the party to the instrument as a medium between the extremes, as perhaps they may be called, of the English statute and of our act of Assembly. One of the principal causes, perhaps we may say, the chief cause, of the litigation which has occurred in our courts upon the subject of wills, has arisen from uncertainty respecting the intention of the alleged testator. Manuscripts are often found among the papers of a decedent; indicating an intention to dispose of property after his death; but whether the intention continued to the period of death, or whether the design was complete in itself, or formed only a part of a testamentary disposition, which was intended to be more fully developed, and to establish which, as an entire testamentary act, would defeat the real design of the testator, often remains a problem, because the signature of the party to the instrument is wanting. Thus, if a man having three sons, A. B. and C. and three farms or lots, should leave behind him a paper, simply devising one of his farms or lots to A., such paper, although without signature, or subscribing witness, might, under our present law, be established as his entire will; and thus A. would receive the farm or lot devised to him, and also share with his brothers the two other farms or lots, although it was probably the intention of the decedent to complete his will, by giving to each of his sons an equal share, if circumstances had not prevented him. Now, we think the simple expedient of requiring the signa-

ture of the party to the instrument, will remove these difficulties, and prevent much of the injustice that may happen; as it will show conclusively that the instrument is a complete and finished act, and thus assimilate it to all other entire and concluded documents. Where the party is unable to affix his proper signature by reason of infirmity or otherwise, it is provided that it may be done by another person in his presence, and by his express direction; which facts of course must be proved by two disinterested witnesses. But, as cases may arise, in which the testator may have given full and complete directions for the drawing of his will, which has accordingly been put in writing in his lifetime; but, in consequence of the extremity of his last sickness, he may have been prevented from signing it or giving directions for that purpose, we have excepted such cases from the provision, and left them to stand upon the present law. Convinced, however, of the dangerous consequences of the existing provisions, with respect to papers written by a party under ordinary circumstances, we earnestly hope that the amendment offered will be acceptable to the legislature and the public.

Section VII. The seventh section differs from the existing provision, (section III. of the act of 1705,) in two points: *first*, in the alteration of the value specified, from £30 to \$100, which is believed to be in conformity with the change in the value of money; and *secondly*, in placing the words limiting the value of the property, where it is supposed that they were originally intended to be, that is, in the second clause of the sentence.

Section VIII. In the eighth section, we have followed the 7th section of the act of 1705, omitting, however, the word "person," so as to limit the operation of it to mariners at sea, and soldiers in actual services. By extending the provisions to all other *persons* at sea, it is conceived that there would be some danger of those evils in respect to the disposition of property by verbal wills, against which it was the object of a previous section to guard.

Section IX. The ninth section coincides with the improvement made in this respect by many of our sister states; and has been introduced from a belief that the intention of a testator has often been defeated by the omission of words of inheritance in a devise of real estate.

Section X. In the tenth section we have proposed an alteration equally material with that just adverted to, and which, like that, has the recommendation of having been adopted into the revised codes of some of our sister states. Whatever may be the origin of the judicial doctrine on this subject; whether it has arisen from a literal construction of the statute of Henry VIII., or from an analogy with the law of conveyance by deed, it is believed that the result has been unfortunate for the general intent of testators. It is supposed to be the common impression, that all of which a man may die possessed, will pass by general expressions of gift or devise; and cases of great hardship are known to have arisen from this misconception of the law in respect to real estate. To accommodate the rule to the course of public opinion, is the object of this section; which, it is hardly necessary to remark, will not prevent testators from making any other disposition that they please of their after acquired property.

Section XI. The eleventh section is copied almost literally from the tenth section of the act of 4th April, 1797.

Section XII. In the twelfth section, will be found the substance of the act of 19th March, 1810, "to prevent devises and legacies from lapsing in certain cases."

Section XIII. The thirteenth section is nearly a literal transcript from the act of 1705, excepting that in the latter the provision is confined to wills of *personal* estate, probably, as we have already suggested, from inadvertence. In this section it is confined to *real* estate.

Section XIV. The fourteenth section relates to the



revocation of wills of personal property, and contains no material alteration of the present law.

Section XV. In the fifteenth section we have copied, with some abridgment, the provisions of the 23d section of the act of 19th April, 1794.

Section XVI. The first part of the sixteenth section is merely declaratory of the common law; the last clause, which provides that the will of a married woman shall not be revived, by the death of the husband, is introduced to remove doubts that have been entertained upon the subject.

Section XVII. The proviso contained in the seventeenth section is confined to *personal* property. The transfer of *real* estate, whether by deed, devise or succession, is justly regulated by the laws of the country in which it is situate. *Personal* property is considered as following the person of the owner, and is governed both in regard to succession and transfer, by the laws of the place in which he is domiciliated. In this section, therefore, we have merely declared the existing law of this, and of most other civilized communities.

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From the New York Mirror.

GENTLEMEN—In looking over a collection of letters from my friends and correspondents, the following, from the late Dr. BENJAMIN RUSH, arrested my attention as a communication of peculiar interest, and one which ought not to be confined to the family circle, for whose gratification it was communicated.

In the first instance, it was addressed to JOHN ADAMS, the late President of the United States. In September, 1812, the Doctor inclosed me a copy of the same, intended to be seen only by my family and friends. Believing it will be perused with delight and profit by the reader of taste, correct feelings, and religious sentiments, I send it for insertion in the Mirror. H.

Letter from Dr. Rush to John Adams.

PHILADELPHIA, July 13th, 1812.

"MY DEAR FRIEND—Can you bear to read a letter that has nothing in it about politics or war? I will, without waiting for an answer to this question, trespass upon your patience, by writing to you upon another subject.

"I was called on Saturday last to visit a patient about nine miles from Philadelphia. Being a holiday, I took my youngest son with me, instead of my black servant. After visiting my patient, I recollected I was within three or four miles of the farm on which I was born, and where my ancestors for several generations had lived and died. The day being cool and pleasant, I directed my son to continue our course to it. In approaching, I was agitated in a manner I did not expect. The access was altered, but every thing around was nearly the same as in the days of my boyhood, at which time I left it. I introduced myself to the family that lived there, by telling them at once who I was, and my motives for intruding upon them. They received me kindly, and discovered a disposition to satisfy my curiosity and gratify my feelings. I asked permission to conduct my son up stairs, to see the room in which I drew my first breath, and made my first *unwelcome* noise in the world, and where first began the affection and cares of my beloved and excellent mother. This request was readily complied with, and my little boy seemed to enjoy the spot. I next asked for a large cedar tree that stood before the door, which had been planted by my father's hand. Our kind host told me it had been cut down seventeen years ago; and then pointed to a piazza in front of the house, the pillars of which, he said, were made of it. I stepped up to one of the pillars and embraced it. I next inquired for an orchard planted by my father. He conducted me to an eminence behind the house, and showed me a number of large apple trees, at a little distance, that still bore fruit, to each of which I felt something like the affection of a brother. The

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building, which is of stone, bears marks of age and decay. On one of the stones near the front door, I discovered with some difficulty the letters J. R. Before the house, flows a small, but deep creek, abounding in pan-fish. The farm consists of ninety acres, all in a highly cultivated state. I knew the owner to be in such easy circumstances, that I did not ask him his price for it; but begged, if he should ever incline to sell it, to make me or one of my surviving sons the first offer, which he promised to do.

While I sat in his common room, I looked at its walls, and thought how often they had been made vocal by my ancestors, to conversations about wolves, and bears, and snakes, in the first settlement of the farm; afterwards about cows, and calves, and colts, and lambs; and the comparative exploits of reapers and threshers; and at all times with prayers and praises, and chapters read audibly from the Bible; for all who inhabited it of my family were pious people, and chiefly of the sect of Quakers and Baptists. On my way home I stopped to view a family grave-yard, in which were buried three and part of four successive generations, all of whom were the descendants of Captain JOHN RUSH, who, with six sons and three daughters, followed WILLIAM PENN to Pennsylvania, in the year 1683. He commanded a troop of horse under Oliver Cromwell; and family tradition says he was personally known to him, and much esteemed by him as an active and enterprising officer. When I first settled in Philadelphia, I was sometimes visited by one of his grandsons, a man of eighty-five years of age, who had lived with him when a boy, and who often detailed anecdotes from him of the battles in which he had fought under Cromwell, and once mentioned an encomium on his character by Cromwell, when he supposed him to be killed. The late General Darke, of Virginia, and General James Irvine, are a part of his numerous posterity; as the successor to the eldest sons of the family, I have been permitted to possess his sword, his watch, and the leaf of his family Bible that contains the record of his marriage, and of the birth and names of his children, by his own hand. In walking over the grave-yard, I met with a headstone, with the following inscription:

"In memory of JAMES RUSH, who departed this life March 16th, 1727, aged forty-eight years.

"I've tried the strength of death at length,  
And here lie under ground,  
But I shall rise, above the skies,  
When the last trump shall sound."

This James Rush was my grandfather. My son, the physician, was named after him. I have often heard him spoken of as a strong minded man, and uncommonly ingenious in his business, which was that of a gunsmith. The farm still bears marks of his boring machine. My father inherited both his trade and his farm. While standing near his grave, and recollecting how much of my kindred dust surrounded it, my thoughts became confused, and it was some time before I could arrange them. Had any or all of my ancestors appeared before me, in their homespun or working dresses, (for they were all farmers or mechanics,) they would probably have looked at one another, and said, "What means that *gentleman* by thus intruding upon us?"

"Dear and venerable friends! be not offended at me. I inherit your blood, and I bear the name of most of you. I come here to claim affinity with you, and to do homage to your Christian and moral virtues. It is true, my dress indicates that I move in a different sphere from that in which you have passed through life; but I have acquired and received nothing from the world which I prize so highly as the religious principles which I inherited from you, and I possess nothing that I value so much as the innocence and purity of your characters.

"Upon my return to my family in the evening, I gave them a history of the events of the day, to which they listened with great pleasure; and partook, at the same



time, of some cherries, from the limb of a large tree, (*supposed* to have been planted by my father,) which my little son brought home with him.

"Mr. Pope says there are seldom more than two or three persons in the world, who are sincerely afflicted at our death beyond the limits of our own family. It is, I believe, equally true, that there are seldom more than two or three persons in the world, who are interested in any thing a man says of himself beyond the circle of his own table or fire-side. I have flattered myself that you are one of those two or three persons to whom the simple narrative and reflections contained in this letter will not be unacceptable from, my dear and excellent friend,

"Yours, affectionately,

BENJAMIN RUSH."

"To JOHN ADAMS, Esq."

## REPORT OF THE COMMITTEE

ON THE

### MILITIA SYSTEM.

Mr. Ringland, from the committee on the Militia system, made a report, accompanied with a resolution No. 310, relative to a revision of the Militia system, which were read as follows:

The committee on the Militia system, to whom was referred that part of the Governor's message relating to the militia and volunteers of this commonwealth; and also the proceedings of a Military convention, of which Major John B. Alexander was president, convened at Harrisburg on the second day of January last, report:

That impressed with a due regard for the high and respectable authorities from which the subject comes recommended to their attention, and with a strong conviction on their own minds of the many defects in the present Militia system, and the necessity of a radical change therein; they have given to the subject that deliberate consideration which its importance appears to demand.

In the very organization of our republic, the militia seems to have been a component part of the system, and one, without which the other parts could not long hold together. A people who would be self-governed must be self-defended. The armed yeomanry of the republic are those into whose hands the protection and defence of the people's rights can be most safely intrusted, as they are indeed the people themselves, whose liberties are to be protected. But it is not only necessary that our citizen soldiers should be armed, but in some degree disciplined, for an armed multitude without discipline, must always be more terrible to itself than to its enemies.

In the recommendation of the Governor to patronize volunteers, your committee most heartily concur; but the means necessary to accomplish that desirable object presents some difficulties, which, when considered, practically require investigation.

It is much to be regretted that congress has not, before this time, adopted a more general and efficient Militia law, as the existing laws of the United States are no more than the outline of a system. To prepare for the national defence is peculiarly the province of the national legislature, as it is a national concern, and cannot be executed by the laws of the several states with any thing like uniformity, for which some states may (and do) incur considerable expense in equipping and training their militia; some others, on which the public defence equally depends almost entirely neglect it. Thus, the most patriotic states have the burthen to bear, while by the social or federal compact, it ought to bear on all alike, as all are alike interested. In the present prosperous state of the finances of the United States to what purpose could a portion of the revenue be more properly applied than to prepare for the public defence.

We have the authority of the father of his country, admonishing us to prepare for war in time of peace, and in the present state of affairs in Europe, it is as much as ever, necessary for this country to put on a defensive armor. And when it is considered that the United States, containing a population of about thirteen millions, have a standing army of no more than five or six thousand men, (a circumstance without a parallel in the annals of nations) it becomes absolutely necessary that the people should be armed and disciplined for the protection of their liberties. This can only be done by congress passing such laws as will operate equally on all the states, and oblige all to contribute their part towards putting the country in a proper state of defence. Such a plan as was recommended by a board of officers convened by order of the late Secretary at War, to establish camps of instruction in all parts of the union, and to have proper instructors appointed, who should at the same time be under the command of the state officers, would, it is believed, go far to promote the object in view.

The late Military convention having assembled from all parts of the state, and being composed of military gentlemen of the first respectability, were well qualified to judge of the propriety of a change in the Militia system, and their opinions are consequently received by the committee with much respect. That convention, though differing in opinion respecting the best remedy to be applied to the present defective system, appeared to admit unanimously that a change was absolutely necessary; and that whatever plan might be adopted as a substitute, that the trainings of all ununiformed militia should be abolished.

It was stated in that convention, that in some counties the musters were conducted in so disorderly a manner, and intemperance and riot prevailed to such a degree, that the courts of quarter sessions had in some instances been employed for a whole week together, in settling the disorders that have originated at those trainings.

Viewing the subject at large, the committee have arrived at the conclusion, that in order to place the militia of the state in any thing like a respectable condition, one of two courses must be taken; and that either the number of days of training the "militia" ought to be increased, and the fines for non-attendance raised, or, otherwise, to dispense altogether with the militia trainings, and depend on volunteers. To increase the days of training for the whole militia, under existing circumstances, would appear to be a waste of time, and while it would accomplish but little in acquiring the military art, it would probably have rather a deleterious effect on the public morals. It therefore follows as a matter of course, that the most economical and most effectual plan is, to patronize volunteers, and to depend on them altogether in time of peace.

The committee are aware that a respectable minority of the convention were in favor of classifying the militia by age, and requiring none to perform active service in time of peace, except those between the age of 21 and 26 years, and to compel this class to uniform and equip themselves under proper penalties; and that those between the age of 26 and 45 should be required to contribute a certain sum annually for the support of the junior or active class. An objection, however, meets this plan at the very threshold. That the legislature have the right to compel the whole body of the militia to arm, uniform, and equip themselves in such manner as they may think proper, will not be denied; but their right to compel a portion of our citizens to pay an equivalent for services which they are not permitted by law to perform, might at least be considered very doubtful. That objection, however, cannot be brought to bear against the system finally adopted by that respectable body; for if all have an option to uniform and equip themselves, or contribute a small sum annually for the support of those who are willing to do so, no injustice will be done.



The right to compel all the militia to uniform and equip themselves at their own expense, has been exercised to the full extent by the legislature of Connecticut, as, by their revised statutes, every militia man, as soon as he arrives at proper age, or within six months thereafter, is obliged to arm, uniform and equip himself under high penalties; and for every day he may appear without his proper equipments, is fined five dollars for field days, and four for company days of training; and also a specific sum for every article of equipment that may be deficient.

With respect to the amount to be levied on each militia man, in lieu of active service, there appears to be a difference of opinion among those best qualified to judge of the result. By communications from a number of gentlemen in the eastern section of the state, it would appear to be the general opinion there, that the sum fixed on by the convention was too small; while in the west it is considered more than sufficient. But taking the whole state together, it is perhaps about a proper standard; and as the legislature will at all times hold the *lever* in their hands, and can raise or lower it at pleasure, as circumstances may require, there cannot be much difficulty in fixing the proper maximum. As for instance, if the sum laid on each individual in place of militia duty, should be found to be so small as not to afford a sufficient compensation for those who would voluntarily uniform themselves, it might at any time be raised to answer that purpose. And, on the other hand, if it should prove to be so great as to bring into the field a number of volunteers unnecessarily large, a proper check might be put to it by lowering the fines on exemptions. It has been suggested that a distinction should be made between the eastern and western divisions of the state, with respect to sums to be assessed for exemption from duty, as money in the middle and western counties is of more value in proportion to time or labor, than in the east; but this distinction could not be easily brought to practice, as it would be difficult to fix a geographical line that would produce equality. A classification with regard to property, has also been spoken of, so that individuals should contribute towards the public defence in some measure, in proportion to his property. To this also, there are objections, as it is not the money, but the time of an individual, that is required; nor has this principle ever been admitted in our military code—not even in assessing fines for non-performance of duty when called into actual service.

If one dollar per annum be fixed on as an equivalent for military duty, it will be a considerable relief to that class of our citizens who are conscientiously scrupulous of bearing arms; and if the manner of collecting this should be changed, so as to have it done with the county rates and levies, it would be less offensive to them, and probably a much better account would be given of the money. In the neighboring state of New York, those who refuse to bear arms, are compelled to pay four dollars per annum, and in the state of Connecticut six, in lieu of military duty; while, under the proposed change, the same class of citizens, in our state, would have to pay but the small sum of one dollar a year.

Should an objection be raised, that by curtailing the number of the militia in the way proposed, would be an infringement of the constitution, which declares that "the freemen of this commonwealth shall be armed and disciplined for its defence;" and should this be so construed as to require that every militia man should be armed and disciplined, your committee would reply, that this provision has never been complied with in that sense; for by every law that has been passed for the regulation of the militia, certain classes of our citizens have been exempted in addition to those exempted by acts of congress, and in some other states this exemption is carried to a much greater extent, so as to embrace fire companies, and those engaged in iron and other manufactories; nor would this system deprive any citizen of the right to bear arms.

If it should be said that a force, formed in this way, and to be raised and recruited by voluntary enlistments, would not be sufficiently permanent to depend on, for the public defence, it may be answered, that under the most adverse circumstances, without the patronage of government, volunteers have kept up a force for a number of years past, from 30 to 35 thousand, and it is reasonable to expect that if properly encouraged by the legislature, their numbers will increase rather than diminish, and would be found to answer every demand in time of peace.

Something, however, like the present organization of the militia, must be kept up, in order to conform to the act of congress of 1792, which, as long as it remains in force, must be complied with by the several states; though in some of the states it is used, but very partially enforced. What alterations may be made by congress, in the laws for organizing and disciplining the militia, appears quite uncertain, as the subject has been frequently before them, without having produced any thing like a system. But as the subject has been pressed on them during the present winter, by the legislatures of several states, it is hoped that something will ere long be done.

The military convention have recommended that volunteers should be required to encamp at least three successive days in each year, and that they should be supplied with rations at the expense of the state. The committee believe, that whatever number of days should be made obligatory, would be spent to more advantage in a camp, than in meeting but one day at a time, as a knowledge of camp duty is one of the most important acquisitions of a soldier, and especially necessary to prepare him for actual service. It may be fairly calculated, that three days in succession, spent in an encampment, would be of more service than double the same time spent in meeting one day at a time. Not only a knowledge of camp duty could be acquired by such encampments, but a good degree of field discipline also, if suitable fields were selected adjacent to the camps. As it may be expected that these volunteer corps, (as indeed is now the case) will be composed of the flower of our youth, it will be incumbent on the legislature to do all in their power to guard the morals of those who are to be the protectors of our liberties. It will be proper to provide by law, that sutlers shall be prohibited from disposing of ardent spirits at such encampments, under sufficient penalties; nor ought this to be left discretionary with the officers, as under the present law. It will be admitted by all, that a corps of military men, of whatever description, will in a short time take its character from its officers: it is, therefore, proper and necessary, that none should be selected for such responsible stations, who would not add to a knowledge of tactics and capacity to command, habits of sobriety, and moral rectitude of character. An army of citizen soldiers, trained in this way, would form a bulwark behind which the liberties of the country might rest secure.

The committee are of opinion, that it would be more convenient and expedient, to allow to each troop or company of volunteers a certain sum in money, in lieu of rations and other expenses, in attending the encampments; and that the fund to be raised for their support, after allowing for procuring colors, drums, &c. should be divided *pro rata* among the several corps, having regard to the different description of force. For instance—an artillery company ought to be allowed about 25 per cent. more than a troop of cavalry, and a troop about the same ratio more than a company of infantry or riflemen; as the expenses of the former are considerably greater than those of the latter. By the last report of the Adjutant General, the whole number of militia is 102,205, including 34,377 volunteers. Admitting that the volunteers should increase to 50,000, if proper encouragement was given, and deducting that number from the total, would leave something more than



130,000 enrolled militia; and after making allowance for minors, and also for those who have served the time required by law in volunteer corps, and who would of course be exempt, there would remain about 100,000, who would be subject to pay a tax or equivalent, which would amount to \$100,000. By applying this fund to the support of volunteers, it is believed it would be sufficient to ensure the services of a force that would answer every demand in time of peace.

Respecting those who have served seven years in volunteer corps, in conformity to the acts of 1818, and 1822, it is not expected that they could either be called on to uniform or attend the trainings in time of peace, or to contribute an equivalent, and would therefore be exempt in this case. What portion of those will be entitled to exemption by the above recited acts, is a question which remains unsettled, and the practice of giving certificates in such cases is different in different sections of the state. For instance, some have contended that when a company is organized, and they agree on some kind of citizen's dress, such as citizen's coats, and other citizen's clothing, with badges and appendages, such as a sash and some trappings to the hat, that it ought to pass for uniform; but such a dress would not appear to be in any good degree complying with the provisions of the forty-first section of the act of 1822, which provides that volunteers shall conform in their dress, "as nearly as may be to the same kind of force in the army of the United States." It would, however, appear, that where a company had uniformed in good military style, and were inspected and returned by the proper Brigade Inspector, and had attended the requisite number of days of training, that notwithstanding they had not in all cases conformed to the exact letter of the law, yet the intents and purposes of the law were fulfilled, and they would be entitled to exemption "except in time of an evasion, insurrection or actual war."

As it is properly the duty of Brigade Inspectors, not to organize or return any company which is not uniformed according to law, a proper penalty ought to be exacted for a neglect or breach of that duty, for where a company is organized and returned, it is natural for them to expect all the privileges and benefits attached to their station.

It is not expected there will be a sufficient number of tents and camp equipage, to supply all the volunteers at the same time, but such distribution might be made by the Adjutant General as to give to each division its proper quota, and require the Major Generals to make such arrangements for their brigades, as to have them used alternately by the different corps, and that a proper latitude should be given in the time of meeting in camp, so that the tents and camp equipage might be used in turn.

By a resolution of the late military convention, it is recommended to the legislature, to vary the general law, so as to permit the volunteers of the city and county of Philadelphia, to organize in a manner that would be best calculated to prepare them for the protection and defence of that wealthy and flourishing city, the exposed situation of which might, in time of war, subject it to the plunder of an invading enemy; and that the fines collected in the district should be appropriated to the volunteers of that division. The propriety of affording to the citizens of our large maritime cities throughout the Union, every encouragement to place themselves in a defensive attitude, must be obvious to every one who will consider their exposed situation, and that they have only their citizen soldiers to depend on in any emergency that may occur. The state would not lose much by such an arrangement; for notwithstanding the great wealth and population of this city, it has not heretofore done more than contribute its due proportion to the funds for the support of the militia system, and it is probable that if the fines of the first division were exclusively appropriated to the volunteers

of the district, they would be collected more promptly, and a better account had of them.

The legislature of New York by their revised statutes, have made special provision, for organizing and disciplining the volunteers of their metropolis, and your committee can see no reason why the citizens of Philadelphia should not have a fair opportunity to prepare for their own defence.

In conclusion, your committee beg leave to observe, that after viewing the subject in all its various bearings, they have no hesitation in saying, that in their opinion not only the public safety, but the public morals would be promoted by the proposed change in the system, and that economy speaks loud in its favor. At an early period of the session, and shortly after the sitting of the convention, your committee had a conference with the committee of the House of Representatives, and after due consideration, it was thought that as a radical change was contemplated, it would be most expedient to lay the subject before the people, until the next session of the Legislature, in order to ascertain how far it might have the sanction of public opinion. With this view, the committee have herewith reported resolutions authorizing the Governor to appoint suitable persons to draft a bill to be submitted to the next Legislature. The committee are persuaded that in order to have a bill properly arranged, it ought to be done by persons who could devote their whole attention to the matter, which cannot be the case by a committee during the session. The Legislature of New York considered the militia law of their state of so much importance, that they not only appointed special commissioners to revise their militia code, but also held a special session for its consideration. All which your committee most respectfully submit.

#### RESOLUTION

##### RELATIVE TO A REVISION OF THE MILITIA SYSTEM.

Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, that the Governor is hereby authorized to appoint three competent persons, whose duty it shall be to draft a bill revising the present militia laws, and report the same to the next Legislature, at the commencement of their session. The bill to be predicated on the following principles:

1. That all the training except those citizens who will voluntarily uniform and equip themselves, or have already done so, and be attached to some volunteer corps, shall be dispensed with; and every able bodied citizen between the age of twenty-one and forty-five years, and who are not exempt by any law of the United States, or may be thought entitled to exemption by the laws of this state, and who will not uniform and equip themselves as volunteers, shall pay the sum of per annum in lieu thereof, to be collected with the county rates and levies, which shall constitute a fund for the support of volunteers.

2. That volunteers shall be organized into divisions, brigades, regiments and battalions, as far as practicable, and be required to perform camp duty, at least three successive days in each year.

#### MESSAGE OF THE GOVERNOR

To the Legislature, upon returning with his signature, the bill relative to the Pennsylvania Canal and Railroad, read in the House of Representatives, March 30, 1832.

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

GENTLEMEN:—The bill entitled "an act relative to the Pennsylvania canals and rail-roads," was presented late in the afternoon of yesterday for my approval; and much as I regret that it does not embrace within its provisions, all the interests that in my opinion ought, in the progress of its enactment, to have entered into the con-



sideration of the legislature and been provided for; yet as it provides for the prosecution of objects of internal improvement, the completion of which are of vital interest to the commonwealth, and the abandonment of which at this time, would be destructive of its best interest, I have, upon due consideration of all the circumstances, come to the conclusion, that although the bill in its provisions falls far short of what its friends could have desired, yet that public policy requires that it should be approved and signed, which has been done, and the secretary has been directed to return it to the House of Representatives in which it originated.

But although this bill has now become a law, the reasonable, and I trust, the well grounded hope is nevertheless indulged, that the representatives of the people now assembled, will not separate until justice shall, at least have been so far done as to relieve the people of the North and West branches of the Susquehanna, and those on the Beaver and French creeks, along which extensive public improvements have been commenced, from the ruinous and deplorable condition in which the legislation of this state, should it stop at the point where the present bill leaves it, will have placed them.

The 5th section of the act of 21st March, 1831, directs in imperative language, that the canal commissioners *shall extend without delay*, by canal and slackwater navigation, the West Branch division of the Pennsylvania canal; the Lewisburg cross cut; the North Branch division of the Pennsylvania canal; and that they shall make a canal or slackwater navigation from the Ohio river at the mouth of the Big Beaver, and up that creek to the town of New-Castle. The several points from and to which the improvements are to be extended or made, are clearly designated, and the specific appropriations made for carrying on the several works are declared to be for or towards the expenses for their construction of that year. From the phraseology of the section just referred to, it is abundantly manifest that the legislature of 1831, did not entertain the opinion that the sums appropriated to complete the several works to which they were to be applied, would be sufficient for that object, and it certainly could not have entered their minds that the act of legislation which they designed for wise and valuable purposes, should operate upon the citizens to be affected by it as a snare, by inducing them, in consequence of the prospects held out by its provisions, to enter into contracts requiring extensive preparations and the expenditure of large sums of money to enable those engaged in them to carry them successfully into effect, and to permit (which under the circumstances they dare not resist,) their valuable farms to be entered upon, extensive excavations to be made, ditches to be dug, and fences to be destroyed, to the manifest ruin and destruction of much valuable property, and to the great damage of its owners, nor would it be doing justice to that enlightened body even to suppose that they entertained the remotest idea, that after the expenditure of the sums appropriated by them, the works would be abandoned in their unfinished state, and the good citizens through whose grounds they pass, left to mourn over their mutilated and ruined property.

That legislation cannot be just, which to save the public purse would work individual ruin; nor will it redound to the honor of the State, or to its character, for justice to wink at the destruction of individual rights and interests occasioned by its own acts; and refuse redress, because it may not be entirely convenient, at the moment, to yield it. If the legislation of the last session did not pledge the faith of the Commonwealth, that the works contemplated by it, should be completed without delay, it at least afforded strong ground for public confidence that the constituted authorities of the State would not suffer the works commenced under the authority of law to languish at the expense of great individual sacrifice and individual ruin.

Satisfied as I am, that the rights, the interests, and the property of the humblest individual within this Com-

monwealth, are to be equally watched over and guarded by those in authority with the interests of the state itself; and believing, as I do, that a wise economy and sound policy require at our hand that provision should be made for the relief of those of our fellow citizens whose condition must otherwise be deplorable, I have felt myself called upon to submit the few crude remarks contained in this message for the consideration of the legislature, and to ask permission to urge upon it the strong claims which the citizens concerned, in my opinion, have to its magnanimity as well as its justice.

GEORGE WOLF.

Harrisburg, March 30th, 1832.

From "The Friend."

*The Indian Languages and Pennsylvania History.*

In the hope that historical topics may not be altogether alien to the purposes of "The Friend," it is proposed to occupy a few of its columns in briefly examining several prominent works upon the ancestry of the Indian tribes and the subject of Pennsylvania history.

Whatever may be thought or pretended by English writers, in derogation of our forefathers as a people, the diligence of our historical investigations, and the cheerfulness and ardor with which they are pursued, leave little doubt that we are either wholly destitute of sensibility on the subject, or entertain no apprehension as to the result. Massachusetts, with her characteristic zeal for truth and knowledge, commenced her inquiries in 1790, and upwards of twenty volumes of collections attest the greatness of her activity and enterprize. New York followed her example in 1804, and since that period have sprung into existence many similar institutions in various sections of the United States. Among these the highly meritorious societies of Rhode Island and New Hampshire, and the one recently established at Quebec, deserve special indication. An association called "The American Antiquarian Society," was formed in Massachusetts about the year 1812, for the purpose of unfolding the natural, artificial, and literary antiquities of America. This society, it will be perceived, comprehended a wider range of objects than any of its predecessors. It has published a single volume under the title, *Archæologia Americana*, a book which, for curious learning and literary execution, reflects the most distinguished credit upon the gentlemen engaged in its composition. Amidst this emulation of research, the American Philosophical Society of Philadelphia, did not hesitate to add a committee to the six originally existing, with a view to explore the vast fields of history, moral science, and general literature. This committee was separated in 1815, on the suggestion, it is understood, of the late Dr. Wistar, with whom it was a subject of surprise and regret, that, while other states of the confederacy were disputing the palm of industry in the elucidation of their early and subsequent annals, Pennsylvania should be without a society to contribute her proportion to the common stock of historical knowledge. The duty therefore assigned to this committee was to investigate the concerns of Pennsylvania in particular, as well as the United States and America in general—in a word, to develop the history, physical geography, topography, antiquities, and statistics of the state and country. In this extensive range of inquiry, the lineage and manners of the aboriginal tribes was an object which claimed early, if not primary attention. Much curious information respecting their habits and character, was known to be possessed by John Heckewelder, a Moravian missionary of Bethlehem, who had resided among the Delaware Indians upwards of forty years. Peter S. Du Ponceau, the venerable and very learned corresponding secretary of the committee, addressed a letter to this gentleman, and seconded as it was by one from Dr. Wistar, elicited the letter No. 4



of the correspondence, accompanied by a copy of Zeisberger's grammar of the Delaware language. The grammar being compiled in German, was committed to Du Ponceau for translation. In the prosecution of this undertaking, he became enraptured with the beauties of the Lenape idiom, and occasional difficulties presenting which required explanation, a regular epistolary interchange was the consequence. This correspondence, together with the admirable reports of the secretary, and the excellent historical account of the Indians by Heckewelder, composes the matter of a volume, and the only one, which has been published by the committee to the world. This is the more to be regretted, because we were informed, so long ago as 1821,\* that ample and precious materials had been subsequently collected, which only require the plastic hand of the artist to give to them form and proportion.

Of all the subjects connected with the business of the committee, few can be more attractive to us as men—few more exciting to our sensibilities as Americans—than the original condition, gradual decrease, and approaching extinction, of the aboriginal inhabitants of this country. There was something so novel in their primitive state—so full of romance coupled with wonder—that the mind is staggered while it contemplates it, either in reference to civilized man, or their present reduced, forlorn, and depraved condition. Their history, therefore, should possess for us a peculiarity of interest and importance, and a corresponding zeal should be awakened to the investigation of their customs and language. Indeed, this seems to be a department of knowledge so peculiarly and intrinsically our own, that the cultivation of it is nearly connected—perhaps almost identified—with our national fame. The Germans, already the uncontested proprietors of so many regions of science, are even now disputing with the Russians the possession of this magnificent and fruitful domain. If we make no additions to the lessons of our German instructors—if we permit these people to sink into the grave without adequate inquiry about their primeval origin, and give no account of their migration hither—we shall prove ourselves unworthy stewards of a subject committed by nature to our diligence and care.

The ingenuity of the learned in all countries, seems to have been unusually exercised in relation to the ancestry of our aborigines. Some seem to opine that they belong to the lost flock of the house of Israel, and know not otherwise how to understand the prediction of Scripture. Without stopping to inquire, whether the passage has not at least an equal applicability to the present condition of the Jews, who, dispersed over every country, are aliens in all;—we may fairly claim—with the utmost respect for Dr. Boudinot and his adherents—something more conclusive of their origin. Le Page Du Gratz, in his history of Louisiana, argues, with the assistance of a passage from Diodorus Siculus, that the Natches who emigrated from Mexico to Louisiana, are descended from certain Phœnicians or Carthaginians, who had been wrecked upon the shores of South America. This conjecture reposes upon the slender foundation, that a very large island, lying some distance from Africa, of delightful temperature, and filled with the greatest variety of fruits and game, was resorted to by the Africans for recreation in the summer. He likewise hazards the opinion, that the ancient inhabitants of Mexico are derived from China or Japan, and assigns no other reason for the belief, than that he was informed in 1752, by a man of learning, that the library of the King of France contained a Chinese MS. which affirms the fact of their emigration from Corea. These reasons, we are obliged to say, are most unsatisfactory. Now setting aside the probability of mistake on the part of Diodorus, that excursions so remote would be undertaken or projected for the purposes of health or of

pleasure, we think that the former opinion, before it be adopted, wants some confirmation. Touching the derivation of the Mexicans from China or Japan, it may be observed, that the possibility of misinformation as to the existence of the Chinese MS.—the probability of its being supposititious—and even if genuine, that it may not be true—all combine to cast a shade of much incertitude upon the character of the evidence. It seems to us that nothing less than some permanent, radical, and characteristic resemblance between two people, in the absence of direct, unequivocal testimony can countenance the idea of descent. Du Pratz discovers his consciousness of this, in regretting the destruction of the Mexican hieroglyphics, as they might have contributed some trifling corroboration to his theory, or slightly invalidated the plausibility of his supposition.

For the purpose, therefore, of scanning the subject more closely, let us return to the researches of Du Ponceau into the structure of the Indian languages. As he sedulously availed himself of every available assistance, his accuracy and knowledge are worthy of the most implicit reliance. Superadded to the aid derived from Heckewelder, who was intimately acquainted with the Lenni Lenape idiom, he laid under contribution the other missionaries of his correspondent's religious persuasion, who abundantly furnished him with Grammars, Dictionaries, and elementary works compiled or composed for their young ministers visiting America. Of the forms and constructions of the Delaware and Iroquois, the two principal mother tongues of the country, with which by this means he became conversant, no satisfactory account is given by professor Vater, in his celebrated *Mithridates*. This great work, it may be incidentally observed, which Du Ponceau seems to have studied with an untiring, assiduous, and enthusiastic devotion, he pronounces "the most astonishing philological collection the world has ever seen." The commendation is by no means extravagant, since it is intended to embrace an epitome of all the existing knowledge of the ancient and modern languages of the whole earth, and actually gives specimens of the Lord's Prayer, in nearly five hundred tongues and dialects. Two volumes of this Herculean prodigy, containing together 874 pages, are devoted exclusively to the Indian languages of North and South America. In addition to these sources of information, every opportunity which presented of conversing with Indians, interpreters, and others, practically skilled in the American languages, was eagerly accepted. With such facilities the researches of our distinguished townsman were commenced, and continued with a patience which no labour could fatigue—an ardour which no obstacles could extinguish or abate. In his conclusions, abundant reason for confidence may be found in his well known character, both in Europe and America, for profound investigation; and in his own declaration, that he entered upon his subject with a mind not trammelled with a favorite theory, and free from the bias of pre-conceived opinions. The learned *Remusat* devoted an article in the *Journal des Savans* for February 1827, to the volume under consideration. He bestows a warm panegyric upon the researches of Du Ponceau, whose deep erudition and philological sagacity, he thinks, eminently qualified him for the illustration and comparison of the Indian languages. Further testimony has lately been adduced to the accuracy of his views, by John Tanner, whose long residence among the Indians, and reputation for truth, render him both a competent and credible witness.

J. R. T.

[To be Continued.]

## NEWLY DISCOVERED CAVE IN PENNSYLVANIA.

A few days ago, Mr. Reese, of Peters township, Franklin county, Pennsylvania, living on the base of North Mountain, was about to dig for water—and as

\* Annual oration delivered before the Philosophical Society, by P. S. Du Ponceau.



there is a very large spring issuing out of the rocks, at the foot of a hill of considerable height, and a kind of sink hole some distance above the spring, he thought he probably could come on the stream—accordingly he commenced digging in the sink hole, and had proceeded but a few feet, when he could plainly hear the water running, seemingly with great rapidity; and at the distance of about twenty feet from the surface, came to the water, at the lower extremity of a fissure in the rock, which immediately expanded into a large and beautiful cavern, the entrance of which is partially obstructed by loose rocks, which after advancing a little distance, entirely disappear, and instead of loose rubbish, solid rocks appear enamelled with spar of different colors. In every direction are to be seen the most beautiful icicles, (stalactites) suspended from its noble, and in some places, majestic ceiling. Concretions, without number, and of almost every color, size and dimension, are seen pointing downwards from the ceiling, and inwards from the sloping walls—some white, some red, some brown, some green, and others transparent as glass, and all solid as marble. They threaten the curious adventurer with being torn to pieces by their craggy points, if he attempts penetrating any further into it; and indeed in some places he is obliged to proceed in a stooping position, in order to avoid them. In proceeding up this subterranean passage, you are obliged to walk in the run nearly all the way.

The run is in some places dry at the present season of the year. Yet it is evident from the bed of the run, and other visible marks of the water, that in some parts of the year the water must flow through the different channels in large quantities. Even at this time, there is a great deal running through it, but mostly through channels alongside the principal one, as is evident from the great noise it makes, in falling over the craggy rocks which impede its progress.

There are in the principal channel several falls, which might very properly be denominated cataracts—the extent of the cave is as yet unknown, as it has been but partially explored; the greatest distance any person has been up it yet, is about 800 feet, at which distance there was no appearance of its termination. In ascending the cave, the eye is most agreeably struck with its grandeur—at every step new wonders present themselves—here is the spar formed into trees, shrubs, &c. which makes it have the appearance of a petrified grove—in some places the spar is formed into the likeness of men, birds, beasts, organs, &c. and in one place, raised on a pedestal, is a striking resemblance of a half unfurled flag. Besides this, there are hundreds of other likenesses, which I shall not attempt a description of. When we first saw them, we were only surprised at their diversity and beauty, but on a more minute examination, we are struck with amazement, knowing them to be mere productions of nature—who hitherto, in solitary silence, had, in her playful moments, unseen and unheard, dressed the scene as if for her own amusement.—*Christian Adv.*

## CANALS AND RAILWAYS.

To the Editor of *Aris's (Birmingham) Gazette.*

SIR: Permit me, through the medium of your paper, to offer a few remarks on the recently published account of the Liverpool and Manchester Railway.

Although from the predictions of persons conversant with the use of machinery, and practically experienced in the details of railways, the public were prepared for the announcement of a heavy amount of expenditures; few, I believe, anticipated that it would have reached the enormous sum which this account exhibits.

For the carriage of a ton of merchandize 32 miles, the expenses are stated at 7s. 7d.

For the conveyance of passengers 30 miles, 2s. 0½d. each.

The profits are said to be 2s. 7d. each passenger, and 2s. 8d. each ton of goods: the average charge for passengers being 4s. 7½d. each, and for a ton of merchandize 10s. 3d. making the total profits for the half year, ending 30th June last—

	£.	s.	d.	£.	s.	d.
On Passengers,	24,463	11	9			
Merchandize,	5,692	3	4			
Coals,	158	18	6			
				30,314	13	7
And the expenses—						
On Passengers,	19,136	15	8			
Merchandize,	16,182	16	8			
Balance supposed on						
Coals,	59	7	8			
				35,379	0	0
Gross receipts for the half year,				65,693	13	7

Now, sir, this account is conclusive of the question of a carriage of merchandize upon railways, in competition with canals; for along a canal of equal length with this railway, viz. 32 miles, a ton of merchandize can be and is conveyed at an expense of 2s. 8d. while all heavy articles, and such articles constitute *nineteen-twentieths* (I beg you to bear in mind the proportion) of canal carriage, are conveyed the like distance, at an expense of 1s. 4d. only, instead of 7s. 7d. as stated in this account!\*

In this comparison, tonnage dues, being excluded in the railway expenses, are also excluded in the canal expenses.

It is manifest, therefore, from their own showing, that railways can never carry goods in opposition to canals of nearly their own length.

It is, in fact, doubtful whether the Liverpool and Manchester railway is not, at present, sustaining a loss by the carriage of goods, instead of realizing even the small profit which their account shows.

At 4s. 7½d. each, the sum received for passengers, gives the number 189,395.†

Averaging these at 1½ cwt. or 12 stone each, including baggage, gives their weight,

14,204 tons.

Merchandize, at 10s. 3d. per ton, 42,680 do.

Total weight, 56,884

As, then, 56,884 tons, the total weight, is to £35,379, the total expenses; so is 42,680 tons, the weight of merchandize, to £26,544, the expenses with which it ought to be charged; being more than 12s. 5d. per ton.

Expense of conveying merchandize would

thus appear to be £26,544

Receipts for ditto, 21,875

Loss in the half year,‡ 4,669

If it be argued that, in consequence of the superiority of the carriages, and the greater velocity of movement, a large expense per ton is incurred in the conveyance of passengers, than in the conveyance of merchandize; I reply that such extra expenses of passengers are more than counterbalanced by the greater wear and tear of heavy weights—by the establishment of

\* If the railway merchandize is charged with a proportion of the interest of cash borrowed, the amount of such charge should, in this comparison, be deducted from the 7s. 7d.

† If more passengers are conveyed in the inferior than in the superior trains, the total number will be somewhat more than this, but it can make little difference in the calculation.

‡ Deducting interest, if interest be charged, would reduce this sum, though the account would still exhibit a loss.



warehouses—by the loading and unloading—and other incidentals attendant upon the carriage of merchandize.

It is, at all events, abundantly clear, that from passengers, the emoluments of railways must be derived, and, notwithstanding it is shown, that, where 1050 per day of these can be calculated upon, *along the entire length* of a railway, as in the case (while the novelty lasts) of the Liverpool and Manchester, a large revenue may be collected, it is far from being established, that, even then the scheme will ultimately prove a profitable speculation. *The first nine months will indicate any thing but the maximum of wear and tear, either of road or of engines.*

SCRUTATOR.

October 13, 1831.

From the United States Gazette.

### BUSH HILL CARPET MANUFACTORY.

We took an opportunity a few days since to gratify a desire long entertained, of visiting the carpet manufactory of Mr. McCalla, at Bush Hill—the Kidderminster of America. The establishment at a distance looks like a compact village, and the amount of room in the numerous extensive buildings, would accommodate inhabitants enough to make a city in Connecticut or New Jersey.

Mr. McCalla has long been known as the manufacturer of floor cloths, and painted carpets; and the profits that have arisen from his extensive and well conducted establishment, have been used, apparently with a liberal hand, to extend the business of the concern, increase the stock, multiply buildings, and, of course, employ extra hands. The looms used in these buildings, weave canvass of astonishing strength, *twenty-one feet wide, and sixty feet long*, without a seam, and this by the ordinary way of throwing the shuttle. When the floor cloth is thus woven, it is extended with great tension perpendicularly, and thick coats of paint of one color are laid on it, by men who work on galleries, at different heights, in front of the canvass. After these coats of paint have remained from three to four months, the cloth is taken down and conveyed to another building, where it receives the figures of various patterns and divers colors, in a manner not unlike the mode of stamping house paper. Having received all the figures and bordering, the whole immense "carpet" is then suspended lengthwise (61 feet) in buildings prepared for that purpose; and after about twelve months is considered in a state to be used, making nearly a year and a half in preparation. A great number of these large cloths, of beautiful figures, were suspended in the drying rooms, and in various parts of the extensive premises; others were in different stages of progress. Oil cloths for furniture, beautifully figured, are made in the same buildings. We noticed in one room about 8000 yards, sufficiently dried for the market. Canton flannels receive the paint and figures on the smooth side, while the soft nap on the other side is left to prevent injury to valuable furniture, from the hard knots and points that occur in linen oil cloths. The various processes of making the painted carpets and oil cloths, all carried on at one time, in different parts of the buildings are exceedingly interesting.

Proceeding from the houses in which the painting and drying are conducted, we came to a new building, in which the weaving of ingrain and Brussels, and other woollen carpets, is carried on. If one is struck with the magnitude of the operation of weaving and stamping a seamless carpet of twelve hundred and sixty square feet, no less surprise would await him in the marvellous arrangement of machinery and threads for the weaving of a Brussels carpet. We could not, in three weeks' gazing at the multifarious interlacings and convolutions of yarns, and the array of spindles, pullies and points, give the least idea of the wonderful process. The figures, however, on the fabric are beautiful be-

yond description, and the texture of the carpeting may certainly vie with any we have ever seen.

The *ingrain* carpeting is woven by looms which are improvements on the French invention. Those conversant with the subject have probably read accounts of the plan by which the richest and most varied figures are woven into the fabric by the weaver, who sits in the usual position, and throws his shuttle in the same manner as does the weaver of white muslin. The figure has been pricked out upon cards, and by some operation of machinery above the loom, the different colors of the warp rise upon the surface just as they are wanted to form the figure, and when any attention of the weaver is required to either web or warp, the machinery, very good naturedly, gives timely notice by ringing a small bell.

In this department of the establishment, we saw two Scotchmen, recently arrived, engaged in putting in the warp for an ingrain carpet of a rich figure, to be woven by aid of the mystic cards, and nearly a dozen other looms for Brussels, and ingrain carpets were in different stages towards completion.

We saw large quantities of carpetings and rugs of beautiful figures, which Mr. McCalla had finished, and which would not suffer by comparison with foreign fabrics.

The immense painted floor cloths are sold at from one to two dollars per square yard, and are, we were glad to learn, becoming more and more used. We have not spoken of the prices of the ingrain and Brussels carpeting of this manufactory, (though we understand that they are sold as cheap as European fabrics) because our object is not the promotion of any individual's views, but to make our readers acquainted with the extent of manufactures around us, and with the state of perfection at which some, considered the most difficult, have been brought. The very extensive establishment at Bush Hill owes its existence to the individual exertions and liberal enterprise of its present proprietor, who, in addition to the vast array of buildings exclusively devoted to the business, has recently erected a beautiful dwelling house in front of the establishment.

A poor woman, who had been obliged, by the desertion of her husband, to ask the relief afforded by the lying in department of the Pennsylvania Hospital, was delivered, in that institution, on Saturday morning, (March 24th) of three fine children, two girls and a boy, and, so far, the whole family appear to be doing well. The mother, who is a native of Philadelphia, has two other children dependent upon her for support. In these peculiar and trying circumstances she will need the aid of the benevolent; and, surely such an appeal as her case presents to the charity and sympathies of her sex, cannot be offered in vain.

## THE REGISTER

APRIL 7, 1832.

We extract from a very respectable weekly paper, called "The Friend," a part of an interesting essay, which appeared in it, a year ago, upon the Indian languages and Pennsylvania History. We shall continue it from week to week till the whole is inserted.

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# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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## THE CHEROKEE CASE.

*Opinion of the Supreme Court, delivered by Chief Justice  
MARSHALL, January Term, 1832.*

SAMUEL A. WORCESTER, vs. THE STATE OF GEORGIA.

This cause in every point of view in which it can be placed, is of the deepest interest.

The defendant is a State, a member of the Union, which has exercised the powers of government over a People who deny its jurisdiction, and are under the protection of the U. States.

The plaintiff is a citizen of the State of Vermont, condemned to hard labor for four years in the penitentiary of Georgia, under color of an act which he alleges to be repugnant to the constitution, laws, and treaties of the U. States.

The legislative power of a State, the controlling power of the constitution and Laws of the U. States, the rights, if they have any, the political existence of a once numerous and powerful people, the personal liberty of a citizen, are all involved in the subject now to be considered.

It behoves this Court, in every case, more especially in this, to examine into its jurisdiction with scrutinizing eyes, before it proceeds to the exercise of a power which is controverted.

The first step in the performance of this duty is the inquiry whether the record is properly before the Court.

It is certified by the Clerk of the Court which pronounced the judgment of condemnation under which the plaintiff in error is imprisoned, and is also authenticated by the seal of the Court. It is returned with, and annexed to, a writ of error issued in regular form, the citation being signed by one of the Associate Justices of the Supreme Court, and served on the Governor and Attorney General of the State, more than 30 days before the commencement of the term to which the writ of error was returnable.

The Judicial act,\* so far as it prescribes the mode of proceeding, appears to have been literally pursued.

In February, 1797, a rule† was made on this subject, in the following words: "It is ordered by the Court, that the Clerk of the Court to which any writ of error shall be directed, may make return of the same by transmitting a true copy of the record, and of all proceedings in the same, under his hand and the seal of the Court."

This has been done. But the signature of the Judge has not been added to that of the Clerk. The law does not require it. The rule does not require it.

In the case of Martin vs. Hunter's‡ lessee, an exception was taken to the return of the refusal of the State Court, to enter a prior judgment of reversal by this Court, because it was not made by the Judge of the State Court, to which the writ was directed; but the exception was overruled, and the return was held sufficient. In Buel vs. Van Ness,§ also a writ of error to a State Court, the record was authenticated in the same manner. No exception was taken to it. These were

civil cases. But it has been truly said at the bar, that, in regard to this process, the law makes no distinction between a criminal and civil case. The same return is required in both. If the sanction of the Court could be necessary for the establishment of this position, it has been silently given.

McCulloch vs. the State of Maryland,\* was a *qui tam* action, brought to recover a penalty, and the record was authenticated by the seal of the Court and the signature of the Clerk, without that of a Judge. Brown et al. vs. the State of Maryland, was an indictment for a fine and forfeiture. The record in this case, too, was authenticated by the seal of the Court and the certificate of the Clerk. The practice is both ways.

The record, then, according to the judiciary act, and the rule and practice of the Court, is regularly before us.

The more important inquiry is, does it exhibit a case cognizable by this tribunal.

The indictment charges the plaintiff in error and others, being white persons, with the offence of "residing within the limits of the Cherokee nation, without a license," and "without having taken the oath to support and defend the constitution and laws of the state of Georgia."

The defendant in the State Court appeared in proper person, and filed the following plea:

"And the said Samuel A. Worcester, in his own proper person, comes and says, that this court ought not to take further cognizance of the action and prosecution aforesaid, because, he says, that, on the 15th day of July, in the year 1831, he was, and still is, a resident in the Cherokee nation; and that the said supposed crime or crimes, and each of them, were committed, if committed at all, at the town of New Echota, in the said Cherokee nation, out of the jurisdiction of this court, and not in the county of Gwinnett, or elsewhere within the jurisdiction of this court: And this defendant saith, that he is a citizen of the state of Vermont, one of the United States of America, and that he entered the aforesaid Cherokee nation, in the capacity of a duly authorized missionary of the American Board of Commissioners for Foreign Missions, under the authority of the President of the United States, and has not since been required by him to leave it: that he was, at the time of his arrest, engaged in preaching the Gospel to the Cherokee Indians, and in translating the sacred Scriptures into their language, with the permission and approval of the said Cherokee nation, and in accordance with the humane policy of the government of the U. States, for the civilization and improvement of the Indians; and that his residence there, for this purpose, is the residence charged in the aforesaid indictment: and this defendant further saith, that this prosecution the state of Georgia ought not to have or maintain, because, he saith, that several treaties have, from time to time, been entered into between the United States and the Cherokee nation of Indians, to wit: at Hopewell, on the 28th day of November, 1785; at Holston, on the 2d day of July, 1791; at Philadelphia, on the 26th day of June, 1794; at Tellico, on the 2d day of October, 1798; at Tellico, on the 24th day of October, 1804; at

\* Judicial act, sec. 22, 25, v. 2. p. 64, 65. † Wh. Rules.

‡ 1st Wh. 304, 361. § 8th Wh. 312.

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\* 4th Wh. 316.



Tellieo, on the 25th day of October, 1805; at Tellieo, on the 27th day of October, 1805; at Washington city, on the 7th day of January, 1805; at Washington city, on the 22d day of March, 1816; at the Chickasaw Council House, on the 14th day of September, 1816; at the Cherokee Agency, on the 8th day of July, 1817; and at Washington city, on the 22d day of February, 1819: all which treaties have been ratified by the Senate of the United States of America; and, by which treaties, the United States of America, acknowledge the said Cherokee Nation to be a Sovereign Nation, authorized to govern themselves, and all persons who have settled within their territory, free from any right of legislative interference by the several States composing the United States of America, in reference to acts done within their own territory; and, by which treaties, the whole of the territory now occupied by the Cherokee Nation, on the east of the Mississippi, has been solemnly guaranteed to them; all of which treaties are existing treaties at this day, and in full force.

By these treaties, and particularly by the treaties of Hopewell and Holston, the aforesaid territory is acknowledged to lie without the jurisdiction of the several States composing the Union of the U. States; and it is thereby specially stipulated, that the citizens of the United States shall not enter the aforesaid territory, even on a visit, without a passport from the Governor of a State, or from some one duly authorized thereto, by the President of the United States; all of which will more fully and at large appear, by reference to the aforesaid treaties. And this defendant saith, that the several acts charged in the bill of indictment, were done, or omitted to be done, if at all, within the said territory so recognized as belonging to the said Nation, and so, as aforesaid, held by them, under the guaranty of the United States; that, for those acts, the defendant is not amenable to the laws of Georgia, nor to the jurisdiction of the courts of the said State; and that the laws of the State of Georgia, which profess to add the said territory to the several adjacent counties of the said State, and to extend the laws of Georgia over the said territory, and persons inhabiting the same; and, in particular, the act on which this indictment vs. this defendant is grounded, to wit: "An act entitled an act to prevent the exercise of assumed and arbitrary power, by all persons, under pretext of authority from the Cherokee Indians, and their laws, and to prevent white persons from residing within that part of the chartered limits of Georgia, occupied by the Cherokee Indians, and to provide a guard for the protection of the gold mines, and to enforce the laws of the State within the aforesaid territory," are repugnant to the aforesaid treaties, which, according to the Constitution of the United States, compose a part of the supreme law of the land; and that these laws of Georgia are, therefore, unconstitutional, void, and of no effect; that the said laws of Georgia are also unconstitutional and void, because they impair the obligation of the various contracts formed by and between the aforesaid Cherokee Nation, and the said United States of America, as above recited: also, that the said laws of Georgia are unconstitutional and void, because they interfere with, and attempt to regulate and control, the intercourse with the said Cherokee Nation, which, by the said Constitution, belongs exclusively to the Congress of the United States; and because the said laws are repugnant to the statute of the United States, passed on the — day of March, 1802, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers:" and that, therefore, this court has no jurisdiction to cause this defendant to make further, or other answer to the said bill of indictment, or further to try and punish this defendant for the said supposed offence or offences alleged in the bill of indictment, or any of them: And, therefore, this defendant prays judgment, whether he shall be held bound to answer further to said indictment."

This plea was overruled by the Court. And the prisoner, being arraigned, pleaded not guilty. The jury found a verdict against him, and the Court sentenced him to hard labor, in the penitentiary, for the term of four years.

By overruling this plea, the Court decided that the matter it contained was not a bar to the action. The plea, therefore, must be examined for the purpose of determining whether it makes a case which brings the party within the provisions of the 25th section of the "Act to establish the judicial courts of the United States."

The plea avers that the residence, charged in the indictment, was under the authority of the President of the United States, and with the permission and approval of the Cherokee Nation. That the treaties subsisting between the United States and the Cherokees, acknowledge their right as a sovereign nation to govern themselves and all persons who have settled within their territory, free from any right of legislative interference by the several States, composing the United States of America. That the act under which the prosecution was instituted, is repugnant to the said treaties, and is, therefore, unconstitutional and void. That the said act is, also, unconstitutional; because it interferes with, and attempts to regulate and control, the intercourse with the Cherokee Nation, which belongs, exclusively, to Congress; and, because, also, it is repugnant to the statute of the U. States, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers."

Let the averments of this plea be compared with the 25th section of the Judicial Act.

That section enumerates the cases in which the final judgment or decree of a State Court may be revised in the Supreme Court of the United States. These are, "where is drawn in question the validity of a treaty, or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under, any State, on the ground of their being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of such their validity; or where is drawn in question the construction of any clause of the Constitution, or of a treaty, or statute of, or commission held under, the United States, and the decision is against the title, right, privilege, or exemption, specially set up or claimed by either party, under such clause of the said Constitution, treaty, statute or commission."

The indictment and plea, in this case, draw in question, we think, the validity of the treaties made by the U. States with the Cherokee Indians. If not so, their construction is certainly drawn in question; and the decision has been, if not against their validity—"against the right, privilege, or exemption, specially set up and claimed under them." They also draw in question the validity of a statute of the State of Georgia, "on the ground of its being repugnant to the constitution, treaties, and laws of the U. States, and the decision is in favor of its validity."

It is, then, we think, too clear for controversy, that the act of Congress, by which this Court is constituted, has given it the power, and, of course, imposed on it the duty of exercising jurisdiction in this case. This duty, however unpleasant, cannot be avoided. Those who fill the judicial department have no discretion in selecting the subjects to be brought before them. We must examine the defence set up in this plea. We must inquire and decide whether the act of the Legislature of Georgia, under which the plaintiff in error has been prosecuted and condemned, be consistent with, or repugnant to, the constitution, laws, and treaties, of the U. States.

It has been said at the bar, that the acts of the Legislature of Georgia, seize on the whole Cherokee country, parcel out among the neighboring counties



of the State, extend her code over the whole country, abolish its institutions and its laws, and annihilate its political existence.

If this be the general effect of the system, let us inquire into the effect of the particular statute and section on which the indictment is founded.

It enacts that "all white persons residing within the limits of the Cherokee Nation, on the first day of March next, or at any time thereafter, without a license or permit from his excellency the Governor, or from such agent as his excellency the Governor shall authorize to grant such permit or license, and who shall not have taken the oath hereinafter required, shall be guilty of a high misdemeanor, and, upon conviction thereof, shall be punished by confinement to the penitentiary, at hard labor, for a term not less than four years."

The 11th section authorizes the Governor, "should he deem it necessary for the protection of the mines, or the enforcement of the laws in force within the Cherokee Nation, to raise and organize a guard," &c.

The 13th section enacts "that the said guard, or any member of them, shall be, and they are hereby authorized and empowered to arrest any person legally charged with or detected in a violation of the laws of this state, and to convey, as soon as practicable, the person so arrested, before a justice of the peace, judge of the superior, or justice of inferior court of this state, to be dealt with according to law."

The extra territorial power of every legislature being limited in its action, to its own citizens or subjects, the very passage of the act is an assertion of jurisdiction over the Cherokee Nation, and of the rights and powers consequent on jurisdiction.

The first step, then, in the inquiry which the constitution and laws impose on this court, is an examination of the rightfulness of this claim.

America, separated from Europe by a wide ocean, was inhabited by a distinct people, divided into separate nations, independent of each other and of the rest of the world, having institutions of their own, and governing themselves by their own laws. It is difficult to comprehend the proposition, that the inhabitants of either quarter of the globe could have rightful original claims of dominion over the inhabitants of the other, or over the lands they occupied; or that the discovery of either by the other should give the discoverer rights in the country discovered which annul the pre-existing rights of its ancient possessors.

After lying concealed for a series of ages, the enterprise of Europe, guided by nautical science, conducted some of her adventurous sons into this western world. They found it in possession of a people who had made small progress in agriculture or manufactures, and whose general employment was war, hunting and fishing.

Did these adventurers, by sailing along the coast, and occasionally landing on it, acquire for the several governments to whom they belonged, or by whom they were commissioned, a rightful property in the soil, from the Atlantic to the Pacific; or rightful dominion over the numerous people who occupied it? Or has nature, or the great Creator of all things, conferred their rights over hunters and fishermen, or agriculturists and manufacturers?

But power, war, conquest, give rights which, after possession, are conceded by the world, and which can never be controverted by those on whom they descend. We proceed, then, to the actual state of things, having glanced at their origin; because holding it in our recollection might shed some light on existing pretensions.

The great maritime powers of Europe discovered and visited different parts of this continent at nearly the same time. The object was too immense for any one of them to grasp the whole; and the claimants were too powerful to submit to the exclusive or unreasonable pretensions of any single potentate. To avoid bloody

conflicts, which might terminate disastrously to all, it was necessary for the nations of Europe to establish some principle which all would acknowledge, and which should decide their respective rights as between themselves. This principle, suggested by the actual state of things, was "that discovery gave title to the Government by whose subjects or by whose authority it was made, against all other European Governments, which title might be consummated by possession."\*

This principle, acknowledged by all Europeans, because it was the interest of all to acknowledge it, gave to the nation making the discovery, as its inevitable consequence, the sole right of acquiring the soil, and making settlements on it. It was an exclusive principle, which shut out the right of competition among those who had agreed to it; not one which could annul the previous rights of those who had not agreed to it. It regulated the right given by discovery among the European discoverers; but could not affect the rights of those already in possession, either as aboriginal occupants, or as occupants by virtue of a discovery made before the memory of man. It gave the exclusive right to purchase, but did not found that right on a denial of the right of the possessor to sell.

The relation between the Europeans and the natives was determined in each case by the particular Government which asserted and could maintain this pre-emptive privilege in the particular place. The United States succeeded to all the claims of Great Britain, both territorial and political; but no attempt, so far as is known, has been made to enlarge them. So far as they existed merely in theory, or were in their nature only exclusive of the claims of other European nations, they still retain their original character, and remain dormant. So far as they have been practically exerted, they exist in fact, are understood by both parties, are asserted by the one, and admitted by the other.

Soon after Great Britain determined on planting colonies in America, the king granted charters to companies of his subjects, who associated for the purpose of carrying the views of the crown into effect, and of enriching themselves. The first of these charters was made before possession was taken of any part of the country. They purport generally to convey the soil, from the Atlantic to the South Sea. This soil was occupied by numerous and warlike nations, equally willing and able to defend their possessions. The extravagant and absurd idea, that the feeble settlements made on the sea coast, or the companies under whom they were made, acquired legitimate power by them to govern the people, or occupy the lands from sea to sea, did not enter the mind of any man. They were well understood to convey the title which, according to the common law of European sovereigns respecting America, they might rightfully convey, and no more. This was the exclusive right of purchasing such lands as the natives were willing to sell. The crown could not be understood to grant what the crown did not affect to claim, nor was it so understood.

The power of making war is conferred by these charters on the colonies, but *defensive* war alone seems to have been contemplated. In the first charter to the first and second colonies, they are empowered, "for their several *defences* to encounter, expulse, repel, and resist, all persons who shall, without license," attempt to inhabit "within the said precincts and limits of the said several colonies, or that shall enterprize, or attempt at any time hereafter, the least detriment or annoyance of the said several colonies or plantations."

The charter to Connecticut concludes a general power to make defensive war with these terms: "and upon *just causes* to invade and destroy the natives, or other enemies of the said colony."

The same power, in the same words, is conferred on the Government of Rhode Island.

\* Wheaton, 573.



This power to repel invasion, and, upon just cause, to invade and destroy the natives, authorizes offensive as well as defensive war, but only "on just cause." The very terms imply the existence of a country to be invaded, and of an enemy who has given just cause of war.

The charter to William Penn contains the following recital: "and because, in so remote a country, near so many barbarous nations, the incursions, as well of the savages themselves as of other enemies, pirates and robbers, may probably be feared, therefore we have given," &c. The instrument then confers the power of war.

These barbarous nations whose incursions were feared, and to repel whose incursions the power to make war was given, were surely not considered as the subjects of Penn, or occupying his lands during his pleasure.

The same clause is introduced into the charter to Lord Baltimore.

The charter to Georgia professes to be granted for the charitable purposes of enabling poor subjects to gain a comfortable subsistence by cultivating lands in the American provinces, "at present waste and desolate." It recites, "and whereas our provinces in North America have been frequently ravaged by Indian enemies, more especially that of South Carolina, which, in the late war, by the neighboring savages, was laid waste by fire and sword, and great numbers of English inhabitants miserably massacred; and our loving subjects who now inhabit there, by reason of the smallness of their numbers, will, in case of any new war, be exposed to the like calamities, inasmuch as their whole southern frontier continueth unsettled, and lieth open to the said savages."

These motives for planting the new colony are incompatible with the lofty ideas of granting the soil, and all its inhabitants, from sea to sea. They demonstrate the truth, that these grants asserted a title against Europeans only, and were considered as blank paper so far as the rights of the natives were concerned. The power of war is given only for defence, not for conquest.

The charters contain passages showing one of their objects to be civilization of the Indians, and their conversion to Christianity—objects to be accomplished by conciliating conduct, and good example; not by extermination.

The actual state of things, and the practice of European nations, on so much of the American continent as lies between the Mississippi and the Atlantic, explain their claims and the charters they granted. Their pretensions unavoidably interfered with each other, though the discovery of one was admitted by all to exclude the claim of any other, the extent of that discovery, was the subject of unceasing contest. Bloody conflicts arose between them, which gave importance and security to the neighboring nations. Fierce and warlike in their character, they might be formidable enemies, or effective friends. Instead of rousing their resentments, by asserting claims to their lands, or to dominion over their persons, their alliance was sought by flattering professions, and purchased by rich presents. The English, the French, and the Spaniards, were equally competitors for their friendship and their aid. Not well acquainted with the exact meaning of words, nor supposing it to be material whether they were called the subjects, or the children of their father in Europe; lavish in professions of duty, and affection, in return for the rich presents they received; so long as their actual independence was untouched, and their right to self-government acknowledged, they were willing to profess dependence on the Power which furnished supplies of which they were in absolute need, and restrained dangerous intruders from entering their country; and this was probably the sense in which the term was understood by them.

Certain it is, that our history furnishes no examples from the first settlement of our country, of any attempt,

on the part of the crown, to interfere with the internal affairs of the Indians, farther than keep out the agents of foreign powers, who, as traders or otherwise, might seduce them into foreign alliances. The King purchased their lands when they were willing to sell, at a price they were willing to take; but never coerced a surrender of them. He also purchased their alliance and dependence by subsidies; but never intruded into the interior of their affairs, or interfered with their self-government, so far as respected themselves only.

The general views of Great Britain, with regard to the Indians, were detailed by Mr. Stuart, superintendent of Indian affairs, in a speech delivered at Mobile, in the presence of several persons of distinction, soon after the peace of 1763. Towards the conclusion he says, "lastly, I inform you, that it is the King's order to all his governors and subjects to treat the Indians with justice and humanity, and to forbear all encroachments on the territories allotted to them; accordingly all individuals are prohibited from purchasing any of your lands; but, as you know, that your white brethren cannot feed you when you visit them, unless you give them grounds to plant, it is expected that you will cede lands to the King for that purpose. But, whenever you shall be pleased to surrender any of your territories to his majesty, it must be done, for the future, at a public meeting of your nation, when the governors of the provinces, or the superintendent shall be present, and obtain the consent of all your people. The boundaries of your hunting grounds will be accurately fixed, and no settlement permitted to be made upon them. As you may be assured that all treaties with you will be faithfully kept, so it is expected that you, also, will be careful strictly to observe them."

The proclamation issued by the King of Great Britain, in 1763, soon after the ratification of the articles of peace, forbids the governors of any of the colonies to grant warrants of survey; or pass patents upon any lands whatever, which not having been ceded to, or purchased by us (the King) as aforesaid, are reserved to the said Indians, or any of them.

The proclamation proceeds "and we do further declare it to be our royal will and pleasure, for the present, as aforesaid, to reserve, under our sovereignty, protection, and dominion, for the use of the said Indians, all the lands and territories" "lying to the westward of the sources of the rivers which fall into the sea, from the west and north-west as aforesaid: and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the above lands above reserved, without our special leave and license for that purpose first obtained."

"And we do further strictly enjoin and require all persons whatever, who have, either wilfully or inadvertently, seated themselves upon any lands within the countries above described, or upon any other lands which, not having been ceded to, or purchased by us, are still reserved to the said Indians, as aforesaid, forthwith to remove themselves from such settlements."

A proclamation, issued by Governor Gage, in 1772, contains the following passage: "Whereas many persons, contrary to the positive orders of the King, upon this subject, have undertaken to make settlements beyond the boundaries fixed by the treaties made with the Indian nations, which boundaries ought to serve as a barrier between the whites and said nations;" particularly on the Ouabache, the proclamation orders such persons to quit these countries without delay."

Such was the policy of Great Britain towards the Indian nations inhabiting the territory from which she excluded all other Europeans; such her claims, and such her practical exposition of the charters she had granted; she considered them as nations capable of maintaining the relations of peace and war; and governing themselves under her protection; and she made treaties with them, the obligation of which she acknowledged.



This was the settled state of things when the war of our Revolution commenced. The influence of our enemy was established; her resources enabled her to keep up that influence; and the colonists had much cause for the apprehension that the Indian nations would, as the allies of Great Britain, add their arms to hers. This, as was to be expected, became an object of great solicitude to Congress. Far from advancing a claim to their lands, or asserting any right of dominion over them, Congress resolved "that the securing and preserving the friendship of the Indian nations, appears to be a subject of the utmost moment to these colonies."

The early journals of Congress exhibit the most anxious desire to conciliate the Indian nations. Three Indian departments were established; and commissioners appointed in each, "to treat with the Indians in their respective departments, in the name and on behalf of the united colonies, in order to preserve peace and friendship with the said Indians, and to prevent their taking any part in the present commotions."

The most strenuous exertions were made to procure those supplies on which Indian friendship was supposed to depend; and every thing which might excite hostility was avoided.

The first treaty was made with the Delawares, in September, 1778.

The language of equality in which it is drawn, evinces the temper with which the negotiation was undertaken, and the opinion which then prevailed in the United States.

"1st. That all offences or acts of hostility, by one or either of the contracting parties against the other, be mutually forgiven, and buried in the depth of oblivion, never more to be had in remembrance.

"2d. That a perpetual peace and friendship, shall, from henceforth, take place and subsist between the contracting parties aforesaid through all succeeding generations: and if either of the parties are engaged in a just and necessary war, with any other nation or nations, that then each shall assist the other, in due proportion to their abilities, till their enemies are brought to reasonable terms of accommodation," &c.

"3d. The third article stipulates, among other things, a free passage for the American troops through the Delaware nation, and engages that they shall be furnished with provisions and other necessities at their value.

"4th. For the better security of the peace and friendship now entered into by the contracting parties against all infractions of the same by the citizens of either party, to the prejudice of the other, neither party shall proceed to the infliction of punishments on the citizens of the other, otherwise than by securing the offender or the offenders, by imprisonment, or any other competent means, till a fair and impartial trial can be had by judges or juries of both parties, as near as can be to the laws, customs, and usages of the contracting parties, and natural justice," &c.

5th. The 5th article regulates the trade between the contracting parties, in a manner entirely equal.

6th. The 6th article is entitled to peculiar attention, as it contains a disclaimer of designs which were, at that time, ascribed to the United States, by their enemies, and from the imputation of which Congress was then peculiarly anxious to free the Government. It is in these words: "Whereas the enemies of the United States have endeavored, by every artifice in their power, to possess the Indians in general with an opinion that it is the design of the States aforesaid, to extirpate the Indians, and take possession of their country: To obviate such false suggestion the United States do engage to guaranty to the aforesaid nation of Delawares, and their heirs, all their territorial rights, in the fullest and most ample manner, as it hath been bounded by former treaties, as long as the said Delaware Nation shall abide by, and hold fast, the chain of friendship now entered into."

The parties further agree that other tribes, friendly to the interest of the United States, may be invited to form a State, whereof the Delaware nation shall be the head and have a representation in Congress.

This treaty, in its language, and in its provisions, is formed, as near as may be, on the models of treaties between the crowned heads of Europe.

The 6th article shows how Congress then treated the injurious calumny of cherishing designs unfriendly to the political and civil rights of the Indians.

During the war of the Revolution, the Cherokees took part with the British. After its termination, the United States, though desirous of peace, did not feel its necessity so strongly as while the war continued. Their political situation being changed, they might very well think it advisable to assume a higher tone, and to impress on the Cherokees the same respect for Congress which was before felt for the King of Great Britain. This may account for the language of the treaty of Hopewell. There is the more reason for supposing that the Cherokee chiefs were not very critical judges of the language, from the fact that every one makes his mark; no chief was capable of signing his name. It is probable the treaty was interpreted to them.

The treaty is introduced with the declaration, that "commissioners plenipotentiary of the United States give peace to all the Cherokees, and receive them into the favor and protection of the United States of America, on the following conditions."

When the United States gave peace, did they not also receive it? Were not both parties desirous of it? If we consult the history of the day, does it not inform us that the United States were at least as anxious to obtain it as the Cherokees? We may ask, further: Did the Cherokees come to the seat of the American Government to solicit peace; or, did the American commissioners go to them to obtain it? The treaty was made at Hopewell, not at New York. The word "give" then, has no real importance attached to it.

The first and second articles stipulate for the mutual restoration of prisoners, and are of course equal.

The third article acknowledges the Cherokees to be under the protection of the United States of America, and of no other power.

This stipulation is found in Indian treaties, generally. It was introduced into their treaties with Great Britain; and may probably be found in those with other European powers. Its origin may be traced to the nature of their connexion with those powers; and its true meaning is discerned in their relative situation.

The general law of European sovereigns, respecting their claims in America, limited the intercourse of Indians, in a great degree, to the particular potentate, whose ultimate right of domain was acknowledged by the others. This was the general state of things in time of peace. It was sometimes changed in war. The consequence was, that their supplies were derived chiefly from that nation, and their trade confined to it. Goods, indispensable to their comfort, in the shape of presents, were received from the same hand. What was of still more importance, the strong hand of government was interposed to restrain the disorderly and licentious from intrusions into their country, from encroachments on their lands, and from those acts of violence which were often attended by reciprocal murder. The Indians perceived in this protection, only what was beneficial to themselves—an engagement to punish aggressions on them. It involved practically no claim to their lands, no dominion over their persons. It merely bound the nation to the British crown, as a dependent ally, claiming the protection of a powerful friend and neighbor, and receiving the advantages of that protection, without involving a surrender of their national character.

This is the true meaning of the stipulation; and is undoubtedly the sense in which it was made. Neither the British Government, nor the Cherokees, ever understood it otherwise.



The same stipulation entered into with the United States, is undoubtedly to be construed in the same manner. They receive the Cherokee nation into their favor and protection. The Cherokees acknowledge themselves to be under the protection of the United States, and of no other power. Protection does not imply the destruction of the protected. The manner in which this stipulation was understood by the American government, is explained by the language and acts of our first President.

The fourth article draws the boundary between the Indians and the citizens of the United States. But, in describing this boundary, the term "allotted," and the term "hunting-ground" are used.

Is it reasonable to suppose, that the Indians who could not write, and most probably could not read, who certainly were not critical judges of our language, should distinguish the word "allotted" from the words "marked out?" The actual subject of contract was the dividing line between the two nations, and their attention may very well be supposed to have been confined to that subject. When, in fact, they were ceding lands to the United States, and describing the extent of their cession, it may very well be supposed that they might not understand the term employed, as indicating, that instead of granting they were receiving lands. If the term would admit of no other signification, which is not conceded, its being misunderstood is so apparent, results so necessarily from the whole transaction, that it must, we think, be taken in the sense in which it was most obviously used.

So with respect to the words "hunting grounds." Hunting was at that time the principal occupation of the Indians, and their land was more used for that purpose than for any other. It could not, however, be supposed, that any intention existed of restricting the full use of the lands they reserved.

To the United States, it could be a matter of no concern, whether their whole territory was devoted to hunting grounds, or whether an occasional village, an occasional corn-field, interrupted, and gave some variety to the scene.

These terms had been used in their treaties with Great Britain, and had never been misunderstood. They had never been supposed to imply a right in the British government to take their lands, or to interfere in their internal government.

The 5th article withdraws the protection of the United States from any citizen who has settled or shall settle on the lands allotted to the Indians, for their hunting grounds; and stipulates that, if he shall not remove within six months, the Indians may punish him.

The 6th and 7th articles stipulate for the punishment of the citizens of either country, who may commit offences on or against the citizens of the other. The only inference to be drawn from them is, that the United States considered the Cherokees as a nation.

The 9th article is in these words: "For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States, in Congress assembled, shall have the sole and exclusive right of regulating the trade with the Indians, and *managing all their affairs*, as they think proper."

To construe the expression "managing all their affairs," into a surrender of self-government, would be, we think, a perversion of their necessary meaning, and a departure from the construction, which has been uniformly put on them. The great subject of the article is the Indian trade. The influence it gave, made it desirable that Congress should possess it. The Commissioners brought forward the claim, with the profession that their motive was, "the benefit and comfort of the Indians, and the prevention of injuries or oppressions." This may be true, as respects the regulation of their trade, and as respects the regulation of all affairs connected with their trade, but cannot be true, as re-

spects the management of all their affairs. The most important of these, is the cession of their lands, and security against intruders on them. Is it credible, that they could have considered themselves as surrendering to the United States the right to dictate their future cessions, and the terms on which they should be made? Or to compel their submission to the violence of disorderly and licentious intruders? It is equally inconceivable that they could have supposed themselves, by a phrase thus slipped into an article, on another and most interesting subject, to have divested themselves of the right of self-government on subjects not connected with trade. Such a measure could not be "for their benefit and comfort," or for "the prevention of injuries and oppression." Such a construction would be inconsistent with the spirit of this and of all subsequent treaties; especially of those articles which recognize the right of the Cherokees to declare hostilities, and to make war. It would convert a treaty of peace covertly into an act, annihilating the political existence of one of the parties. Had such a result been intended, it would have been openly avowed.

This treaty contains a few terms capable of being used in a sense which could not have been intended at the time, and which is inconsistent with the practical construction which has always been put upon them; but its essential articles treat the Cherokees as a nation capable of maintaining the relations of peace and war, and ascertain the boundaries between them and the United States.

The treaty of Hopewell seems not to have established a solid peace. To accommodate the differences still existing between the state of Georgia and the Cherokee nation, the treaty of Holstein was negotiated in July, 1791. The existing Constitution of the United States had been then adopted, and the Government having more intrinsic capacity to enforce its just claims, was perhaps less mindful of high-sounding expressions denoting superiority. We hear no more of giving peace to the Cherokees. The mutual desire of establishing permanent peace and friendship, and of removing all causes of war, is honestly avowed, and, in pursuance of this desire, the first article declares, that there shall be perpetual peace and friendship between all the citizens of the United States of America, and all the individuals composing the Cherokee nation.

The second article repeats the important acknowledgment, that the Cherokee nation is under the protection of the United States of America, and of no other sovereign whatsoever.

The meaning of this has been already explained. The Indian nations were, from their situation, necessarily dependent on some foreign potentate for the supply of their essential wants, and for their protection from lawless and injurious intrusions into their country. That power was naturally termed their protector. They had been arranged under the protection of Great Britain; but the extinguishment of the British power in their neighborhood, and the establishment of that of the United States in its place, led naturally to the declaration on the part of the Cherokees, that they were under the protection of the United States, and of no other power. They assumed the relation with the United States which had before subsisted with Great Britain.

This relation was that of a nation claiming and receiving the protection of one more powerful; not that of individuals abandoning their national character, and submitting as subjects to the laws of a master.

The third article contains a perfectly equal stipulation for the surrender of prisoners.

The fourth article declares, that "the boundary between the United States and the Cherokee nation shall be as follows: Beginning," &c. We hear no more of "allotments" or of "hunting grounds." A boundary is described between nation and nation, by mutual consent. The national character of each, the ability of each, to establish this boundary, is acknowledged by



the other. To preclude forever all disputes, it is agreed that it shall be plainly marked by commissioners, to be appointed by each party; and, in order to extinguish forever all claim of the Cherokees to the ceded lands, an additional consideration is to be paid by the United States. For this additional consideration, the Cherokees release all right to the ceded land forever.

By the fifth article, the Cherokees allow the United States a road through their country, and the navigation of the Tennessee river. The acceptance of these cessions is an acknowledgment of the right of the Cherokees to make or withhold them.

By the sixth article it is agreed on the part of the Cherokees, that the United States shall have the sole and exclusive right of regulating their trade. No claim is made to the "management of all their affairs." The stipulation has already been explained. The observation may be repeated, that the stipulation is itself an admission of their right to make or refuse it.

By the seventh article, the United States solemnly guarantee to the Cherokee nation, all their lands not hereby ceded.

The eighth article relinquishes to the Cherokees any citizens of the United States who may settle on their lands; and the ninth forbids any citizen of the United States to hunt on their lands, or to enter their country without a passport.

The remaining articles are equal, and contain stipulations which would be made only with a nation admitted to be capable of governing itself.

This treaty, thus explicitly recognizing the national character of the Cherokees, and their right of self-government; thus guarantying their lands; assuming the duty of protection, and of course, pledging the faith of the United States for that protection, has been frequently renewed, and is now in full force.

To the general pledge of protection have been added several specific pledges, deemed valuable by the Indians. Some of these restrain the citizens of the United States from encroachments on the Cherokee country, and provide for the punishment of intruders.

From the commencement of our Government, Congress passed acts to regulate the trade and intercourse with the Indians, which treat them as nations, respect their rights, and manifest a firm purpose to afford that protection which treaties stipulate. All these acts, and especially that of 1802, which is still in force, manifestly consider the several Indian nations as distinct political communities, having territorial boundaries, within which their authority is exclusive, and having a right to all the lands within these boundaries, which is not only acknowledged, but guarantied by the United States.

In 1819, Congress passed an act for promoting those humane designs of civilizing the neighboring Indians, which had long been cherished by the Executive. It enacts, "that for the purpose of providing against the further decline and final extinction of the Indian tribes adjoining to the frontier settlements of the United States, and for introducing among them the habits and arts of civilization, the President of the United States shall be, and he is hereby authorized, in every case where he shall judge improvement in the habits and condition of such Indians practicable, and that the means of instruction can be introduced, *with their own consent*, to employ capable persons, of good moral character, to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic; and for performing such other duties as may be enjoined, according to such instructions and rules as the President may give and prescribe for the regulation of their conduct in the discharge of their duties."

This act avowedly contemplates the preservation of the Indian nations as an object sought by the United States, and proposes to effect this object by civilizing and converting them from hunters into agriculturists. Though the Cherokees had already made considerable progress in this improvement, it cannot be doubted that

the general words of the act comprehend them. Their advance in the "habits and arts of civilization," rather encouraged perseverance in the laudable exertions still farther to meliorate their condition. This act furnishes strong additional evidence of a settled purpose to fix the Indians in their country by giving them security at home.

The treaties and laws of the United States contemplate the Indian territory as completely separated from that of the States; and provide that all intercourse with them shall be carried on exclusively by the Government of the Union.

Is this the rightful exercise of power, or is it usurpation?

While these States were colonies, this power, in its utmost extent, was admitted to reside in the crown. When our revolutionary struggle commenced, Congress was composed of an assemblage of deputies, acting under specific powers, granted by the Legislatures, or conventions of the several colonies. It was a great popular movement, not perfectly organized, nor were the respective powers of those who were intrusted with the management of affairs actually defined. The necessities of our situation produced a general conviction that those measures which concerned all, must be transacted by a body in which the representatives of all were assembled, and which could command the confidence of all: Congress, therefore, was considered as invested with all the powers of war and peace, and Congress dissolved our connexion with the mother country, and declared these United Colonies to be independent States. Without any written definition of powers, they employed diplomatic agents to represent the United States at the several Courts of Europe; offered to negotiate treaties with them, and did actually negotiate treaties with France. From the same necessity, and on the same principles, Congress assumed the management of Indian affairs; first in the name of these United Colonies, and afterwards in the name of the United States. Early attempts were made at negotiation, and to regulate trade with them. These not proving successful, war was carried on under the direction and with the forces of the United States, and the efforts to make peace by treaty were earnest and incessant. The Confederation found Congress in the exercise of the same powers of peace and war, in our relations with Indian nations, as with those of Europe. Such was the state of things when the Confederation was adopted. That instrument surrendered the powers of peace and war to Congress, and prohibited them to the States, respectively, unless a State be actually invaded, "or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of delay till the United States in Congress assembled, can be consulted." This instrument also gave the United States in Congress assembled the sole and conclusive right of "regulating the trade and managing all the affairs with the Indians, not members of any of the States: *Provided*, that the legislative power of any State within its own limits be not infringed or violated."

The ambiguous phrases which follow the grant of power to the United States, was so construed by the States of North Carolina and Georgia as to annul the power itself. The discontent and confusion resulting from these conflicting claims, produced representations to Congress, which were referred to a committee, who made their report in 1787. The report does not assent to the construction of the two States, but recommends an accommodation, by liberal cessions of territory, or by an admission on their part, of the powers claimed by Congress. The correct exposition of this article is rendered unnecessary by the adoption of our existing constitution. That instrument confers on Congress the powers of war and peace; of making treaties, and of regulating commerce with foreign nations, and among the several States, and *with the Indian tribes*. These pow-



ers comprehend all that is required for the regulation of our intercourse with the Indians. They are not limited by any restrictions on their free actions. The shackles imposed on this power, in the Confederation, are discarded.

The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial, with the single exception of that imposed by irresistible power, which excluded them from intercourse with any other European potentate, than the first discoverer of the coast of the particular region claimed: and this was a restriction which these European potentates imposed on themselves, as well as on the Indians. The very term "nation," so generally applied to them means "a People distinct from others." The constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations, and consequently, admits their rank among those Powers who are capable of making treaties. The words, "treaty" and "nation" are words of our own language, selected in our diplomatic and legislative proceedings, by ourselves, having each a definite and well understood meaning. We have applied them to Indians as we have applied them to the other nations of the earth. They are applied to all in the same sense.

Georgia, herself, has furnished conclusive evidence that her former opinions on this subject concurred with those entertained by her sister States, and by the Government of the United States. Various acts of her Legislature have been cited in the argument, including the contract of cession made in the year 1802, all tending to prove her acquiescence in the universal conviction that the Indian nations possessed a full right to the lands they occupied, until that right should be extinguished by the U. States, with their consent; that their territory was separated from that of any State within whose chartered limits they might reside, by a boundary line, established by treaties; that, within their boundary, they possessed rights with which no State could interfere; and that the whole power, regulating the intercourse with them, was vested in the United States. A review of these acts, on the part of Georgia, would occupy too much time, and is the less necessary, because they have been accurately detailed in the argument at the bar. Her new series of laws, manifesting her abandonment of these opinions, appears to have commenced in December 1828.

In opposition to this original right possessed by the undisputed occupants of every country, to this recognition of that right, which is evidenced by our history, in every change through which we have passed, is placed the charters granted by the monarch of a distant and distinct region, parcelling out a territory in possession of others, whom he could not remove, and did not attempt to remove, and the cession made of his claims by the treaty of peace.

The actual state of things at the time, and all history since, explain these charters; and the King of Great Britain, at the treaty of peace, could cede only what belonged to his crown. These newly asserted titles can derive no aid from the articles so often repeated in Indian treaties, extending to them, first the protection of Great Britain, and afterwards, that of the United States. These articles are associated with others, recognizing their title to self-government. The very fact of repeated treaties with them recognizes it; and the settled doctrine of the law of nations is, that a weaker power does not surrender its independence—its right to self-government—by associating with a stronger, and taking its protection. A weak state, in order to provide for its safety, may place itself under the protection of one more powerful, without stripping itself of the right of government, and ceasing to be a State. Examples of this kind are not wanting in Europe. "Tributary and

feudatory States (says Vattel,) do not thereby cease to be sovereign and independent States, so long as self-government, and sovereign and independent authority is left in the administration of the State." At the present day, more than one State may be considered as holding its right of self-government under the guarantee and protection of one or more allies.

The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of Congress. The whole intercourse between the United States and this nation is, by our constitution and laws vested in the Government of the United States.

The act of the State of Georgia, under which the plaintiff in error was prosecuted, is consequently void, and the judgment a nullity. Can this court revise and reverse it?

If the objection to the system of legislation lately adopted by the legislature of Georgia in relation to the Cherokee nation, was confined to its extra-territorial operation, the objection, though complete, so far as it respected mere right, would give this court no power over the subject. But it goes much further. If the review which has been taken be correct, and we think it is, the acts of Georgia are repugnant to the constitution, laws, and treaties of the U. States.

They interfere forcibly with the relation established between the United States and the Cherokee nation, the regulation of which, according to the settled principles of our constitution, are committed exclusively to the Government of the Union.

They are in direct hostility with treaties, repeated in a succession of years, which mark out the boundary that separates the Cherokee country from Georgia; guarantee to them all the land within their boundary; solemnly pledge the faith of the United States to restrain their citizens from trespassing on it; and recognize the pre-existing power of the nation to govern itself.

They are in equal hostility with the acts of Congress for regulating the intercourse and giving effect to the treaties.

The forcible seizure and abduction of the plaintiff in error, who was residing in the nation, with its permission, and by authority of the President of the United States, is also a violation of the acts which authorize the Chief Magistrate to exercise this authority.

Will these powerful considerations avail the plaintiff in error? We think they will. He was seized and forcibly carried away while under the guardianship of treaties, guarantying the country in which he resided, and taking it under the protection of the United States. He was seized while performing, under the sanction of the Chief Magistrate of the Union, those duties which the humane policy adopted by Congress had recommended. He was apprehended, tried and condemned, under color of a law which has been shown to be repugnant to the constitution, laws, and treaties of the United States. Had a judgment, liable to the same objections, been rendered for property, none would question the jurisdiction of this court. It cannot be less clear when the judgment affects personal liberty, and inflicts disgraceful punishment, if punishment could disgrace when inflicted on innocence. The plaintiff in error is not less interested in the operation of this unconstitutional law than if it affected his property. He is not less entitled to the protection of the constitution, laws, and treaties of his country.

It is the opinion of this court, that the judgment of the Superior Court, for the county of Gwinnett, in the State of Georgia, condemning Samuel A. Worcester to hard labor in the Penitentiary of the State of Georgia, for four years, was pronounced by that court under color of a law which is void, as being repugnant to the con-



stitution, treaties, and laws of the United States, and ought, therefore, to be reversed and annulled.

From the Philadelphia Gazette.

## PROCEEDINGS OF COUNCILS.

Friday, April 6, 1832.

**SELECT COUNCIL.**—The annexed communications from the Inspectors of the Eastern Penitentiary were received and referred to the Girard Committee.

Philadelphia, 5th April, 1832.

Gentlemen:—I have been directed by the accompanying resolution, of the Board of Inspectors of the Eastern State Penitentiary of Pennsylvania, which was passed by an unanimous vote, to solicit the co-operation of the Select and Common Councils, in measures for the prevention of a nuisance, by the establishment of a *Poudrette* between the Penitentiary and the site of the proposed College, to be erected under the Will of Mr. Girard, and which it is presumed will be greatly injurious to each institution. I, therefore, respectfully suggest the propriety of appointing a committee of your bodies, to concert the proper measures to be adopted in conjunction with our Board.

With great respect, your ob't serv't,

CHAS. S. COXE, President of the  
Bd. Insp'rs. E. State Penn'a.

To the Presidents of the Select and Common Councils of Philadelphia.

Wednesday, April 4, 1832.

Whereas, the Board of Health have taken a lot of about ten acres, for the purpose of depositing the filth of the privies of the city and liberties of Philadelphia, and are now engaged in digging pits, within 30 feet of this Penitentiary, and whereas, the members of the Board of Inspectors, regard the said deposit of filth as highly injurious to the comfort and health of the prisoners, therefore

Resolved, that the President of the Board be requested to communicate to Councils, on the subject of the nuisance expected to ensue from the *Poudrette* lot occupied by the Board of Health; and solicit the co-operation of Councils for the prevention of the same, it being equally injurious to the site of the Girard College.

Resolved, that the President of the Board be requested to prepare a memorial to the Legislature, praying for a law to prevent the anticipated nuisance.

Extract from the minutes of the Board of Inspectors of the Eastern Penitentiary.

THOMAS BRADFORD, jr. Secretary.

The following letter from the Mayor, inclosing one from the City Solicitor was received, and was referred to the same committee.

MAYOR'S OFFICE, }  
Philadelphia, April 5, 1832. }

To the Presidents of the Select and Common Councils.

Gentlemen—By the enclosed note of the Solicitor, it will be seen that some authority is required to retain the professional service of counsel, in the defence of a suit in which the city has an interest, as the representative of Mr. Girard. I am, very respectfully your ob't. serv't,

B. W. RICHARDS.

Dear Sir—At the time of Mr. Girard's death, a suit was pending against him in the District Court for the city and county of Philadelphia, for the possession of a lot of ground on Fifth street; and I have received notice of an application to substitute the city as defendant in his place.

The suit being now nearly ready for trial, I submit to you the propriety of retaining on behalf of the city, the

counsel to whom the defence was formerly confided. I am, most respectfully, your very ob't. serv't,

J. K. KANE.

City Solicitor's Office, 3d April, 1832.

B. W. RICHARDS, Esq. Mayor, &c.

Mr. JOHNSON presented the annexed petition relative to the Paving of Walnut street, which was referred to the Paving Committee.

To the Select and Common Councils of the City of Philadelphia.

The memorial of the subscribers respectfully represents, that they are the owners and occupants of property in the western part of this city; that such is the present state of the streets that several of them are totally impassable, particularly Walnut street from Schuylkill Seventh street, to Schuylkill Front street; some parts of which cannot be passed without danger on horseback. Your memorialists believe that there is not another city in the Union, perhaps in the world, where the streets are so bad along which so large a quantity of heavy materials is daily being conveyed. So greatly unequal to the travelling and conveyance of goods to and from the western part of the city, are the few streets already paved, that several of them have had large portions re-paved several times within a very few years; and now Spruce street, the only practicable communication with the south western part of the city, is in want of extensive repairs.

The trade of the river Schuylkill is increasing with great rapidity; it is expected that during the present season, the quantity of coal alone will be increased 50 per cent.—the neighborhood of Walnut street is the centre of landing for the largest portion of this indispensable article; yet strange as it may appear, no number of horses, however great, could draw a single ton into the city, along that street at this time; so that while the other streets shall be undergoing repairs every article must reach its place of destination by a circuitous route, and a proportionable increased expense be paid for the conveyance. Moreover, the want of practicable communication with the western part of the city has prevented and will continue to prevent, improvement in that direction until the evil shall have been remedied.

One consequence of the want of pavements in the western portion of the city has been to encourage improvements in the Northern Liberties, Penn Township, Southwark, and Moyamensing, where a more liberal and judicious policy has been pursued by keeping the pavements in advance of the improvements, and thus encouraging building where it could be done with the certainty of having the houses advantageously occupied.

Another evil produced to the city by this narrow policy, has been to enable the holders of ground fronting on the paved streets, to demand and receive an exorbitant price for it, as no person will erect a valuable house which cannot be approached on foot during wet weather or muddy roads.

In short, your memorialists are firmly persuaded, that sound policy requires that every street in the city which communicates with the river Schuylkill, should be paved with the least possible delay, particularly those where the greatest quantity of business is done on their wharves or neighborhood, among which Walnut street holds a conspicuous place. They therefore pray that you will cause Walnut street to be paved from Schuylkill Seventh, to Front street, during the present season.

March 14th, 1832.

Mr. GROVES presented a petition praying that Race street between 6th and 7th streets, be re-paved, and was referred to the Paving Committee.

Mr. WORRELL presented a petition praying that Juniper street be paved, and was referred to the same Committee.



Mr. MASSEY presented the following communication from Mr. William Boyd, Agent for the late Mr. Girard.

*To the Select and Common Councils of Philadelphia.*

Gentlemen—Being agent and manager on the lands of the late Stephen Girard, Esq. in Schuylkill county, (by his appointment) and as those lands, by the will of the late S. Girard fall to you, in trust for the city of Philadelphia, I deem it my duty to make you acquainted with the situation of them, and the improvements thereon, and will give any information I possess relating to said property (if required.) I would suggest to you the propriety of appointing a committee to view the premises, and report to you on that subject, with power to make (and authorize contracts to be made) on said lands, (if they thought proper for the benefit of said improvements.) I herewith hand you a statement of the improvements made under my direction, and by the advice of Mr. Girard on said lands—the correspondence between Mr. Girard and myself will be handed to you, if required; and any other information I possess, relating to said lands, will be given.

Respectfully your ob't. serv't,

WILLIAM BOYD.

*Philadelphia, April 6th, 1832.*

Improvements on the Lands of the late Stephen Girard, Esq. in Schuylkill county, viz:

Two Saw-mills on Mahonoy creek, built under the direction of William Boyd, (Agent for S. Girard;) one of said mills in full operation, and about 100,000 feet of white pine (inch) boards cut and piled, at said mill; the other mill on Mahonoy not finished, for want of the dam being completed, when I left the works; one frame house built at Girardville, for the accommodation of the workmen.

One other Saw-mill built on the Shanandoa creek, 100,000 feet of white pine boards sawed and piled at said mill. The three mills above named, are within (the furthest) 80 rods of the line of the Danville and Pottsville Rail-road. There is an old Saw-mill further up Shanandoa creek about  $2\frac{1}{2}$  miles, out of order, built by a Mr. Boon previous to Mr. Girard's purchase. This mill can be put in order to do a tolerable business; fine timber near said old mill, viz. white pine, poplar and oak. On the waters of the Catawissa creek, there are erected—

2 Grist-mills, both want repairing.

5 Saw-mills, all out of order, and need repair.

8 Tenant houses, tenants all warned out.

600 acres cleared land, part thereof in a tolerable state of cultivation—much wanting to be done there.

The within property will be productive to the city, if put in such order as Mr. Girard designed to have done: his verbal instructions to me were unlimited as to improving these lands, and his anxiety great, as to the improvement of his Schuylkill county lands, as may clearly be seen from the letter directed to me from him, on that subject.

WILLIAM BOYD.

*Philadelphia, April 6th, 1832.*

December 20th, 1832.

I have opened 5 coal mines on the Mahonoy and Shanandoa lands of Stephen Girard, late of Philadelphia, deceased, for his agent William Boyd, viz.—

Two on the north side of Shanandoa creek, about 2 miles from the north of said creek. Three on the south side of said creek, near the same distance from the mouth of said stream; said veins are, No. 1, extensive but not properly opened. No. 2, 17 feet from slate to slate, first quality of anthracite. 3d vein, 18 feet solid coal, peacock appearance. 4th vein, excellent quality, very extensive, may be 20 feet; my impression is, the vein is as large as any I have ever opened. I am opening two other veins near Boon's saw-mill, 1 mile from the rail-road, and about  $6\frac{1}{2}$  from Pottsville. I know of 2 coal veins yet to open within  $\frac{1}{4}$  of a mile from the rail-

road on Shanandoa. The fact is I can open coal in many places on said lands, near Mahonoy and Shanandoa creek.

Signed,

PETER CALEY, jr. (Signature.)

Girardville, January 10th, 1832.

I certify that I opened a vein of coal about 100 rods above the mouth of the Shanandoa, running near east and west, pitching south, 17 feet thick from upper to the under slate; coal, good quality of anthracite; may be tunnelled from the foot of the hill about 5 rods from where I opened it, the coal will be easily mined. The Danville and Pottsville railway will pass through said coal vein. This vein is 20 rods from Mahonoy creek.

I have been at, and examined another large vein of coal on the line of said rail-road, about  $1\frac{3}{4}$  miles further up Mahonoy creek, (north side of said creek.) This vein pitches north, when opened will be an excellent quality of coal. The coal at said place is near the surface of the ground—both of said veins are on the lands of the late Stephen Girard of Philadelphia, deceased, and were opened under the direction of his agent, William Boyd. Witness my hand, this 9th day of February, 1832.

ELIAS REES.

By a letter from my brother since I came to this city, I learn that six other coal veins have been opened on Mr. Girard's Schuylkill county lands, since I left Girardville. Previous to my leaving, I had pointed out three places on the line of the D. and P. rail-road to be opened in my absence: coal is found in each place.

WILLIAM BOYD.

*April 6th, 1832.*

Mr. MASSEY offered the annexed resolution which was agreed to by the Select Council, and Messrs. Lip-pineott and Groves were appointed the committee, but the Common Council adjourned before taking the question on the subject.

Resolved, by the Select and Common Councils, that a committee of two members of each Council be appointed on the communication of William Boyd, agent of the late Stephen Girard, for lands held by him in Schuylkill county, with authority to visit the lands, and to make such inquiries as they may deem expedient, and report the result to Councils.

Mr. DUANE presented two copies of the bills passed by the Legislature, relative to carrying into effect the will of the late Stephen Girard, which were referred to the Girard Committee.

COMMON COUNCIL.—Mr. FRITZ offered the following resolution which was adopted by both Councils.

Resolved, by the Select and Common Councils, that the Mayor be authorized to draw his warrant on the City Treasurer, in favor of William Jagers, William Stokes, John Metzeker, Thomas Cooper, John Millman, John M'Masters, William Ford, Casper Moffit, Peter R. Benner, John K. Murphy, George Sees, Hugh Pue, Samuel P. Garrigues, William M'Ginley, Jacob P. Wolfe, City Constables, for the sum of six dollars each, for services at the late Ward Election, and that the same be charged to appropriation No 21.

Mr. BAKER read an ordinance in his place relative to the footways in Fayette street, which was passed.

The following communication from the journeymen Cabinet Makers, was received, and referred to a joint committee of two members of each Council, and Messrs. Fritz, Wood, Worrell and Johnson were appointed the Committee.

*To the Presidents of the Select and Common Councils of the city of Philadelphia, Greeting:*

Gentlemen—We beg leave to lay before you a resolve of the Society of Journeymen Cabinet Makers of this city, passed in their body on the evening of the 11th of February, viz. That the Society cause to be manufactured in the civic procession, on the 22d day of Feb-



ruary, 1832, a suitable frame to contain a portrait of the venerated Washington, which shall be presented to the Councils of this city, for the purpose of decorating their Hall of Independence; and a further resolve for carrying the same into effect, whereupon, Robert Coane, Lewis Redner, John Snyder, Peter Keim, and David Bell, be a committee to give notice that the above has been accomplished. The workmanship being performed upon a public stage, drawn by horses in the procession, and completed of American oak and walnut wood, by Messrs. Duke, Peter Keim, David Bell and William Glen, and the graphic illustration being from the pencil of Mr. Bass Otis.

The committee beg leave to inform the Councils, that they are now ready to present the same, and await an answer.

With sentiments of profound respect, we are, gentlemen, your most obedient servants,

ROBERT COANE,  
PETER KEIM,  
JOHN SNYDER,  
LEWIS REDNER,  
DAVID H. BELL.

Philadelphia, April 3d, 1832.

METEOROLOGICAL REGISTER.

Extract from the Meteorological Register, taken at the  
State Capitol—Harrisburg, Pennsylvania,

By JAMES WRIGHT, Librarian.

MARCH, 1832.

Days of Week.	Days of the Month.					Thermometer.				Barometer.				WINDS.
	Morning temperature.					Noon temperature.				Even- temperature				
	Mean temp. of day					Highest in Morn.				Highest at Noon,				
						Highest in Even.				Mean height of Ba- rometer each day				
Thursd'y	1	51	52	53	52	29.70	70	69	29.70	S	E			
Friday	2	39	40	51	43	62	69	70	67	S	E			
Saturday	3	36	43	60	46	65	66	66	66	S	W			
Sunday	4	39	47	53	46	65	66	68	66	S	E			
Monday	5	40	46	45	44	70	71	69	70	E				
Tuesday	6	41	47	44	44	67	69	68	68	N	W			
Wednesd	7	36	40	40	39	66	67	67	67	N	W			
Thursd'y	8	40	51	55	49	68	72	74	71	S	W			
Friday	9	36	53	60	50	69	73	75	72	S	W			
Saturday	10	46	56	63	55	73	75	77	75	S	W			
Sunday	11	57	61	62	60	75	76	76	76	S	W			
Monday	12	65	63	67	65	76	76	76	76	N	W			
Tuesday	13	48	53	45	49	68	68	68	68	W				
Wednesd	14	21	25	30	28	56	59	62	59	N	W			
Thursd'y	15	25	37	41	34	58	66	68	64	S	W			
Friday	16	33	47	51	44	63	69	70	67	S	E			
Saturday	17	43	35	27	35	69	65	63	66	N	W			
Sunday	18	12	23	28	21	57	59	59	58	N	W			
Monday	19	23	33	37	31	60	64	66	63	S	W			
Tuesday	20	38	45	51	45	68	68	70	69	S	W			
Wednesd	21	40	42	41	41	67	67	68	64	W				
Thursd'y	22	30	38	43	37	65	65	66	65	W				
Friday	23	33	52	57	47	65	73	73	70	S	W			
Saturday	24	47	61	69	59	70	75	78	74	S				
Sunday	25	52	62	70	61	73	77	77	76	S				
Monday	26	62	42	42	49	77	75	70	74	N	W			
Tuesday	27	32	40	46	39	67	67	72	69	N	W			
Wednesd	28	36	50	55	47	68	72	73	71	S	W			
Thursd'y	29	39	53	58	50	68	72	75	72	S	W			
Friday	30	43	53	60	52	70	76	76	74	E				
Saturday	31	44	59	59	54	70	75	75	73	S	W			

Thermometer.			Barometer.	
Maximum on 12th,	65°		Max. on 11th,	29.76
Minimum on 18th,	21°		Min. on 18th,	29.59
Difference	44°		Difference	.17
Mean of extremes,	46°		Mean of ex.	29.69

Days of the month.													Winds.
5	30												2. E.
24	25												2. S.
1	2	4	16										4. S. E.
3	8	9	10	11	15	19	20	23	28	29	31		12. S. W.
13	21	22											3. W.
6	7	12	14	17	18	26	27						8. N. W.

Days of the month.						Atmosphere.	
						A. M.	P. M.
3	8	15	16	19	23	7 Clear	Clear
6	7	14	18	22		5 Clear, Bluster'g	Clear, Blustering
9	10	21				3 Clear	Cloudy
1	2	20	31			4 Cloudy	Cloudy
4						1 Rain	Rain
5	11	17				3 Rain	Cloudy
12						1 Cloudy	Cloudy, Th. gust
13						1 Cloudy	Cloudy, Sn'w st'm
24						1 Smoky	Smoky
25						1 pt. cl'r pt. cl'dy	Cloudy
30						1 Cloudy	Fair
28	29					2 Fair	Fair
26						1 Rain Blustering	pt cl'r pt cl'dy Bl.

On the 25th, in the evening, thermometer at 70°, the highest. On the 18th, in the morning, at 12°, the lowest. Range in the month, 58°.

On the 24th, in the evening, barometer at 29.78 inches, the highest. On the 14th, in the morning, at 29.56 inches, the lowest. Range, .22.

The wind has been 6 days east of the meridian, 23 days west of it, and 2 days south.

There was rain on the 4th, 5th, 11th, 12th, and 17th. High blustering winds on the 6th, 7th, 14th, 18th, 22d, and 26th. Thundergust with heavy rain and sharp lightning on the 12th, in the evening. This month has been 1½° warmer than last March.

From "The Friend."

The Indian Languages and Pennsylvania History.

(Continued from page 222.)

The point to which the learned Secretary directed and confined his attention was the general and relative character of the aboriginal idioms of this country. The subject required laborious research, and uncommon powers of comparison. He brought to it a mind capable of grasping it at once. His ideas are, that the American languages are copious and expressive—that there is much diversity in their grammatical forms—that order, method, and regularity prevail in their complicated construction—that *polysynthetic* combinations exist in all the dialects of the aboriginal inhabitants of North America—and that in this and other peculiarities they differ essentially from most of the ancient and modern languages of the old hemisphere. The Indian mode of combination is to unite, not different words, as in the compound diction of the Greek, but significant sounds or syllables, so as to strike the mind simultaneously with the agent, action, and attending circumstances. Thus the phrase *Manihacktanienk*, which was the appellation given by the Indians to the island of New York, implies, "the island where we all became intoxicated." It is now corrupted into *Manhattan*, but its meaning and origin are sufficiently perceptible. The last syllable, which is omitted, is a mere termination implying locality, and it now signifies "where we became intoxicated."



By this method of forming locutions, our Indians contrive to express, in a few words, a great variety of ideas. Their speech is of course distinguished in general for length, but it is likewise very remarkable for richness, modulation, and energy. Such regularity and order prevail in these varied compositions, that one would suppose, according to Du Ponceau, that the Indian languages were formed by philosophers in their closets, rather than by savages in the wilderness. It can readily be conceived that, in the absence of great order and strict regularity in these polysynthetic or polysyllabic constructions, irremediable confusion would soon be introduced.

The *Mithridates* delineates the grammatical character of thirty-four of the Indian languages, and among them all, Du Ponceau avers that he has not discovered a single idiom which does not partake more or less of the polysynthetic structure. With other aid than that derived from Professor Vater, he has been able distinctly to instance the Iroquois or language of the five confederated nations, the Chippeway, the Cherokee, the Chickasaw, and the Wyandot, or Huron, as eminently polysynthetic. It is true, Du Ponceau does not allege that exceptions may not exist among those Indian idioms which are unknown, but the assertion is several times repeated, that, whenever he possessed sufficient data to form any opinion of the structure of the grammar, the polysyllabic combinations were discernible. Two wonderful instances of this similarity in grammatical form, are adduced. One is selected from the Araucanian language, which is spoken by a tribe residing near the southern extremity of South America, and the other from the Delaware language, prevailing among the Leni Lenapes inhabiting the banks of the river Delaware. In the former idiom, the word "iduancloclavin" is translated, *I do not wish to eat with him*; and in the latter, the term "n'schingiwipoma" is rendered, *I do not like to eat with him*. Such a coincidence in verbal combination, between people separated by an immense distance from each other, and so many warlike nations, is most remarkable and striking. From the numerous examples adduced, we may assume it as a fact passing almost the propriety of a question, that the Indian dialects, from Greenland to Cape Horn, are constructed upon the same model.

These tongues, thus identified as belonging to each other, or as displaying a family likeness, do not appear to bear a very strong analogy to many of the languages of the eastern hemisphere. Du Ponceau has divided these into five classes, for obvious reasons, which we shall endeavour very briefly to disclose.

It is well known, that, in the easternmost parts of Asia, there prevails a class of dialects very similar, in construction, to that which was spoken in China before its conquest by the Tartars. This language is very meagre in words, is composed entirely of monosyllables, and is very deficient in grammatical forms. As far as a judgment can be formed, by means of the excellent grammars of this idiom in our possession, its phraseology conveys to the mind merely the prominent ideas of a discourse, either leaving the accessory ideas to be inferred by the person to whom it is addressed, or rendering necessary auxiliary modes of explanation where ambiguities occur or precision is desirable. According to Du Ponceau, this language, which is the type of many others prevailing in its neighborhood, is so distinguished from its kindred idioms, that he thinks it entitled to form a *genus* in his general classification, by the name *asyntactic*. The Icelandic, Danish, Swedish, and even the German and English, are placed in the second class under the title *analytic*. These languages vary from the former in their possessing sufficient grammatical forms for all the purposes of connexion and intelligence, but so organized that each distinct idea, and each shade of an idea, requires a separate word for its expression. Thus are instanced the phrase "*of the man*," which is expressed in a single word by the Latin "*hominis*;"

the locution "*I will not*," or *I am not willing*, by "*nolo*;" the verbal form, *I will go*, by "*ibo*," &c. The third class, denominated *synthetic*, consists of those languages in which one word, by a synthetical operation of the mind, frequently conveys several ideas. Such are the Oriental, Latin, Greek, Slavonic, and other languages of that description. The French, Italian, Spanish, and Portuguese, with their various dialects, form a fourth class, which he calls *mixed*, since conquest and other causes, by intermingling the peculiarities of the second and third classes, have rendered their modes of speech a little heterogeneous or compound.

The languages of our aborigines are thus characterized by this philosophic linguist: "In these various classes I have not found a place for the Indian languages, which richly deserve to form one by themselves. They are *synthetic* in their forms, but to such a degree as is not equalled by any of the idioms which I have so denominated, and which are only such in comparison with others where *analytic* forms prevail. That they deserve to form a class by themselves, cannot be doubted. They are the very opposite of the Chinese, of all languages the poorest in the world, as well as in grammatical forms, while these are the richest in both. In fact, a great variety of forms necessarily implies a great multiplicity of words; I mean compound forms like those of the Indians, compound words in which many ideas are included together, and are made to strike the mind in various ways by the simple subtraction or addition of a single letter or syllable. In the Chinese much is understood or guessed at, little is expressed; in the Indian, on the contrary, the mind is awakened to each idea meant to be conveyed, by some one or other of the component parts of the word spoken. These two languages, therefore, as far as relates to their organization, stand in direct opposition to each other; they are at the top and bottom of the idiomatic scale; and, as I have given to the Chinese and its kindred dialects the name of *asyntactic*, the opposite name, *syntactic*, appears to me that which is best suited to the languages of the American Indians."

Professor Vater, whose philological acumen and extensive *lingual* acquirements eminently fitted him for the task, undertook to compare almost every known language with those of the American aborigines. His inquiries terminated in the belief that the grammatical systems of the Basque of Europe, the Tschuktschi of Asia, and the Congo of Africa, presented points of closer approximation to the Indian than any others. Du Ponceau has clearly demonstrated that, between the Indian and these languages, there prevail the most decided characteristic differences. The Basque is very peculiar, and entirely unlike the dialects around it. He selects a single trait of the Indian idiom, to prove their separate and independent character. The Indian languages do not possess any words that abstractedly express the ideas for which the verbs "*to have*" and "*to be*" are employed, while the Basque uses these auxiliaries in an almost endless multiplicity of forms. Of the Tschuktschi there are two distinct nations; the one is called the settled or sedentary Tschuktschi, the other the wandering or reindeer. The former speak a dialect of the Karalit or Eskimaux; and as they inhabit the northeasternmost peninsula of Asia, which is divided by a narrow strait from the American continent, they may be considered as an American colony. Their nomadic neighbors use a dialect of the Koriah Tartars, and as far as we are acquainted with the idioms of the Siberian Tartars, and Samoyedes, inhabiting the northern parts of Asiatic Russia, there appears nothing to warrant the presumption of approximate affinity between their language and those of the Indians. The Congo dialect is too imperfectly known for the purposes of satisfactory comparison. The synthetic forms, it is certain, exist to a certain extent; and it would be a strange and curious event, as Du Ponceau observes, if the languages of the red and black races of mankind, were found to be con-



structed upon similar principles. The Congo indeed possesses the transitive form of the Indian verb, but it is susceptible of too many variations or anomalies to induce the supposition that a general similarity prevails. The Congo expresses the cases of substantives by inflexions of the article, whereas no article is employed in the American languages. They differ too in regard to adjectives, the former using the genitive case of substantives, as *water of fire* for *hot water*, while the latter are surprisingly copious in epithets. Other marks of fundamental differences exist, but they need not be indicated.

With regard to the derivation of the Mexicans from the Chinese or Japanese, so confidently asserted, by Du Pratz, very little can be found to sustain the notion, on the score of grammatical analogy. In truth, he seems to beg the question instead of proving it. "It were greatly to be wished," says he, "that the first conquerers of this new world had preserved to us their (the Mexican) drawings; for by comparing them with the characters used by other nations, we might *perhaps* have discovered the origin of the inhabitants. The knowledge which we have of the Chinese characters, which are rather irregular drawings than characters, would *probably* have facilitated such a discovery; and *perhaps* those of Japan would have been found greatly to have resembled the Mexican; for I am strongly of opinion that the Mexicans are descended from one of those two nations. In fact, *where is the impossibility* (!) that some prince in one of those countries, upon failing to raise himself to the sovereign power, should leave his native country with all his partizans, and look for some new land, where, after he had established himself, he might drop all foreign correspondence? The easy navigation of the South Sea renders the thing probable; and the new map of the eastern bounds of Asia, and the western of North America, lately published by M. De Lisle, makes it still more likely. This map makes it plainly appear, that between the island of Japan, or northern coast of China, and those of America, there are other lands, which to this day have remained unknown, and who will take upon him to say there is no land, because it *has not yet been discovered*? I, therefore, have good grounds to believe, that the Mexicans came originally from China or Japan," &c. He then adduces, by way of corroboration to this splendid theory, the fact of the Chinese MS., which, in truth, is the only *argument* brought to support the hypothesis. If it be necessary to combat reasoning so flimsy, we may repeat, what the quotation from Du Ponceau has already exhibited, that the Chinese and Indian idioms are directly in opposition, and bear no sort of resemblance. The account, we may just observe, which that learned gentleman gave in his correspondence with Heckewelder, in 1819, of the monosyllabic structure of the Chinese language, has been lately iterated or confirmed by himself in his admirable letter to Captain Hall, originally published in the London Philosophical Magazine. Our acquaintance with the Mexican hieroglyphics, all must acknowledge, is too limited to justify a determinate conclusion. But, conceding a general similarity between the two people in manners, customs, religious rites, and pictorial illustrations, does that furnish sufficient basis for an inference that the one is derived from the other? These are ever undergoing perpetual changes; and it is scarcely probable that the Indians, after a residence of so many centuries in America, should preserve many of the customs of the country from which they descended. A stronger similitude, in point of manners, is observable between them and the ancient Germans, as described by Tacitus, than between them and the Chinese; and who has ever contended that we should look for their origin there? A rude aristocracy in the form of government—eagerness for military enterprizes—political and personal independence—neglect of the useful arts—implacability in resentment, and desire of vengeance—are the distinguish-

ing traits of both. The extent of this similarity, if it be carefully examined, will be found almost without a parallel in the history of nations.\* As it can be accounted for upon other principles than those of descent from the same line of ancestry, it is certainly inadequate, considered in the light of demonstrative reasoning. But, without losing ourselves in a knotty disquisition, it may be enough to observe, that it is a fact well established by history, and too universally known to render elucidation necessary by particular examples, that local circumstances and political institutions have a potent influence in assimilating the manners of different nations, however distant from each other in situation, or existing in ages however remote. In all probability some new light will be shed upon this obscure subject, by a promised publication of Professor Rafn, of Copenhagen. He has made, it is understood, a complete collection of all the ancient MSS. relating to the knowledge possessed by the Scandinavians of North America prior to the time of Columbus. They will be published with a Latin translation. What these MSS. will elicit, we cannot now conjecture; but the accounts of the old Scandinavian voyages have received a new confirmation in the recent discovery of a Runic stone bearing the following inscription: "Erling Sigvatson and Bjarne Thorderson and Endride Oddson Saturday before Gagnday (the 25th of Fourth month,) erected these heaps of stone and cleared the place 1135."

From what has been said it seems evident, that, though the analogy pervading the Indian languages authorizes the belief of a common origin, yet in the present condition of our knowledge, it would be improper to assign them a particular genealogy. It is indeed true, that so far as Fred. Adelung, in his additions to the *Mithridates*, has described the language of a people of Asia, called the *Grusianians*, a surprising resemblance has been discovered in the forms of its verbs to those of the American Indians. The language is too imperfectly known for the purposes of full collation, but should the likeness continue, upon further examination, it would be most remarkable. The Grusianians reside in that part of Asia which has always been considered as the cradle of the human race!

J. R. T.

[To be Continued.]

From the Blairsville Record.

SKETCHES, No. V.

*Of the Life, and Military and Hunting Adventures of*  
**CAPTAIN SAMUEL BRADY.**

(Continued from page 207.)

The incursions of the Indians had become so frequent, and their outrages so alarming, that it was thought advisable to retaliate upon them the injuries of war, and carry into the country occupied by them, the same system of destructive warfare with which they had visited the settlements. For this purpose, an adequate force was provided, under the immediate command of General Broadhead, the command of the advance guard of which was confined to Captain Samuel Brady.

The troops proceeded up the Allegheny river and had arrived at the flat of land near the mouth of Red-bank creek now known by the name of Brady's Bend, without encountering an enemy. Brady and his rangers were some distance in front of the main body, as their duty requiring, when they suddenly discovered a war party of Indians approaching them. Relying on the strength of the main body, and its ability to force the Indians to retreat, and anticipating, as Napoleon did in the

\* See Appendix to Robertson's History of Charles V. for an extended comparison of the ancient Germans with the Indians.



battle with the Mamelukes that when driven back, they would return upon the same route they had advanced on, Brady permitted them to proceed without hindrance, and hastened to seize a narrow pass, higher up the river; where the rocks, nearly perpendicular, approach the river; and where a few determined might successfully combat superior numbers.

In a short time, the Indians encountered the main body under Broadhead, and were driven back. In full and swift retreat they pressed on to gain the pass between the rocks and the river, but it was occupied by their daring and relentless foe, Brady and his Rangers; who failed not to pour into their flying columns a most destructive fire.

"At once there rose so wild a yell  
Within that dark and narrow dell,  
As if the fiends from heaven that fell,  
Had pealed the banner cry of hell!  
Forth from the pass in tumult driven  
Like chaff before the winds of heaven,  
The Indians appear:  
For life! for life! their flight they ply—  
And shriek, and shout, for battle cry  
Are maddening in the rear."

Indeed I have been told by an officer in the American army, who is no stranger to Indian battles, that, Walter Scott's description of the battle of "Beal An Duine," from which I have ventured to make the above extract, would suit very well for that of any battle with the Indians, by changing a few names, and substituting plumes for bonnets, bayonets for spears, and so forth.

Be that as it may, the Indians on this occasion were broken, routed, and forced to jump into the river. Many were killed on the bank, and many more in the stream.

Our aged friend Cornplanter, chief of the Senecas, then a young man, saved himself by swimming, as did several others of the party.

After they had crossed the river, Brady was standing on the bank wiping his rifle, an Indian, exasperated at the unexpected defeat, and disgraceful retreat of his party, and supposing himself now safe from the well known and abhorred enemy of his race, commenced a species of conversation with him in broken English which we call *blackguarding*. Calling Brady and his men cowards, squaws, and the like, and putting himself in such attitudes, as he probably thought would be most expressive of his utter contempt of them.

When Brady had cleaned his rifle and loaded it, he sat down by an ash sappling, and taking sight about three feet above the Indian, fired. As the gun cracked the Indian was seen to shrink a little, and then limp off. When the main army arrived, a canoe was manned, and Brady and a few men crossed, to where the Indian had been seen. They found blood on the ground, and had followed it but a short distance till the Indian jumped up, struck his breast, and said "I am a man." It was Brady's wish to take him prisoner, without doing him further harm.

The Indian continued to repeat "I am a man."—"Yes," said an Irishman, who was along,—"By J—s, you're a purty boy"—and before Brady could arrest the blow, sunk his tomahawk in the Indian's brains.

The army moved onward, and after destroying all the Indians' corn, and ravaging the Kenjua flats, returned to Pittsburg.

KISKEMINETAS.

Communicated for the Register of Pennsylvania.

The editor of the Register of Pennsylvania, to whom (in the humble opinion of his correspondent) the state is much indebted, will probably be pleased to have his pages of historical document, and important, though dry, statistical details, relieved occasionally by articles of a

lighter description;—with this view, I now send a piece of poetry, written by a lady of Pennsylvania, about the year 1766.

### THE MAID'S HUSBAND,

VERSIFIED AT THE REQUEST OF A FRIEND.

From the "*World*," Vol. 2d, No. 80.

TO SOPHRONIA.

Sophronia, here behold the perfect man!  
Such be your lot,—and find him—if you can!  
The maiden's whim, dress't by poetic art  
To charm the fancy, and engage the heart.

HIS PERSON.

To fix it lasting thus, in him be seen  
The graceful gesture, and the noble mien,  
His sparkling eye the ray of beauty wear,  
And on his cheek the glow of health appear;  
O'er his whole face, the lively lines dispense  
The cheerful lustre, and the striking sense,  
His manly form, the better mind reveal,  
His motion easy and his step genteel,  
Far from the giddy *Coxcomb's* fluttering air  
Or from the solemn *Fop's* affected leer,  
His thoughts refined, and every action free  
From stiff reserve,—or wanton levity.

HIS MIND.

To this bright form,—unitedly be joined  
The rich improvement of the worthy mind.  
Each innate feature glow with decent pride,  
His genius sprightly—and his knowledge wide,  
Nor only books the pedant's thought engage,  
But study nature in the instructive page—  
Whose forming hand in him shall pleasing blend  
The soft companion and the improving friend.  
Cheerful, not vain, each well bred action be,  
Learned without pride,—and without folly, free;  
His converse charm, and every turn display  
The happy mixture of the grave and gay;  
Free flow his thoughts, not deep by study gained,  
Nor loosely wild by reason unrestrained;  
Simple as nature in her first estate,  
And formed by culture, delicately great.

HIS SOUL.

So charm the mind—and on his soul impress't,  
(If such distinction critics can digest,)  
Smile every virtue, every grace reside  
With lustre glow,—and by example guide  
Triumphant reason, mark the instructive plan,  
And sway the just, humane, and generous man.  
Generous, without the wild profusive scene,  
And without weakness of the mind, humane.  
Kind without folly, just—but not severe,  
And every passion reason's signet wear.  
To the fair partner of his heart express  
The generous care and manly tenderness,  
Each social duty cheerful to perform,  
To man benevolent—in friendship warm,  
Reason and Nature thus uniting here  
Shall guard the open heart with prudent care:  
Diffuse—without the wild luxurious waste,



Nor yet with avarice curse the human breast.  
And due respect, his passion still restrain,  
Nor lose the lover in the husband's name;  
His tender care with soft complaisance join'd,  
Shall win the affections and engage the mind,  
Guard every act—and every thought improve,  
To fix the conquest—as he gained her love.

Some vulgar minds in nuptial bands allied,  
Support their title by tyrannic pride,  
The soft address, and well-bred grace exclude,  
In morals brutish, and in manners rude;  
Not so the man be formed that shall command,  
The gay Sophronia's gentle heart and hand;  
By education taught, and reason's light,  
Tho' free as friendship, yet as courts polite;  
And what in others, is but fancy blind,  
In him be judgment, solid and refined.

#### HIS RELIGION.

But incomplete, my friend, the man appears,  
Unless his soul religion's lustric wears;  
This heavenly flame shall from the dross divide,  
Guard every thought, and every action guide,  
Direct, illumine, warm the human span,  
And glow with love to God, and love to man:  
Genuine and pure his whole devotion be,  
From bigot's modes and superstition free,  
His pious mind in bright example wear,  
The cheerful spirits and the engaging air,  
And tell the world 'tis blest religion's soil,  
That gives the christian legal right to smile.  
No sour moroseness on his brow be seen,  
In stiff reserve and discontented mien,  
Let him disown such ties—disdain to wear  
The soul untaught by charity—severe,  
Nor fly his species, quit the social road  
And in the gloom of darkness seek his God.  
His nobler mind, (a more enlighten'd scene)  
Shall paint th' Almighty, 'midst the sons of men—  
Nor seek his God in vain—diffusive here  
His active goodness—providential care,  
Thro' all his wide extended empire seen  
In goodness perfect and in power supreme.  
While thus, religion's flame his soul shall warm,  
Reason his conduct regulate and form,  
Nobly consistent every act shall prove,  
That claims devotion—or demands his love;  
Secure salvation's grand important plan  
And wing each duty that relates to man.

FIDELIA.

#### ORIGINAL LETTER

*From Peter Collinson to Governor Thomas Penn.*

LONDON, SEPT. 20, 1733.

Dear Friend—THOMAS PENN:

"Many are the acts of Government, which I shall not pretend to enumerate or to dictate to thee, I shall only beg leave to offer a few hints, which have occurred from the observations I have made in various readings.

"It is a received general maxim, that religion awes, and civilizes the minds of the populace, more than cor-

poral punishments. This was prudently foreseen by all the wise and eminent legislatures, that have been in the world. Amongst the Jews, Greeks and Romans, this maxim was principally cultivated. In the first institutions of their governments, whilst this obtained, all the moral virtues flourished, and the people were kept within the bounds of government, with ease and tranquility.

"But when their Principals and Chiefs fell from their religious duties, the people too, soon followed their example—piety and virtue took their flight, and left them at large, (like a ship without a rudder,) to their unbridled lusts and passions; the fatal consequences were, tyranny and oppression which soon raised factions and parties to the ruin of the State and Government.

"Thee art now happily placed Principal and Chief of a religious and industrious people, rendered so in great measure by the pious example of thy illustrious Father, and by the excellent laws he gave them—thy treading in his steps, will be an undoubted means to continue your felicity.

"Thee art now to consider thyself no longer as in private life; but in thy public exalted station, the eyes of all the people are on thee, and thy example will influence them either to virtue or vice. But to keep them in their love and duty to thee, and in unity and peace one with another, I recommend to thee a strict religious decorum, and as example is beyond precept, thy constant frequenting our religious meetings, on all appointed days for worship, will be very commendable, a good example, and very much contribute to beget religious sentiments, civilized principles, and an awful regard in the minds of the people of all persuasions, and tend to increase the public tranquility and lasting peace.

"I doubt not of thy concurrence in a political view, but I persuade myself of it, from more excellent motives, a real conviction in thyself of the reasonableness of our system, which is very happily your national church, and that thee will not only find it thy present but future interest to support it. If thee have any doubts (which I have no reason to think) consult coolly and without prejudice, Robert Barclay and thy own good Father's works, who were both men of great integrity, good learning, and deep penetration, who have given a very reasonable account of our Faith, supported by more scriptural authority and sound arguments, than any system of religion in the world; the example of so great and good a man as thy Father, I must confess would have a great weight with me, whose sufferings for his early pious sentiments is enough to enforce the reasonableness of them.

Dear Friend—Please receive these imperfect hints in good part; I only tell thee my own private sentiments, divulged to none but thyself, and submit them to thy serious consideration—I beg of thee, lock them up in thy own breast, and be assured that none wishes more thy happiness and perfect harmony in thy province, than thy affectionate friend,

P. COLLINSON.

#### ANTIQUITIES OF PHILADELPHIA.

A SINGULAR GEOLOGICAL FACT.—In digging out the foundation of the projected Exchange Coffee House, in Dock street, in this city, the workmen came to an old tan yard, with a pair of their former vats in place. There appears to have been a natural spring and a run of water, upon the ancient banks of which the vegetable remains are converted into a black combustible substance, resembling PEAT. Some persons were astonished to find the planks of the vats in such a state of preservation, but this is one of the properties of peat. In the B. Philosophical transactions for 1734, there is a letter from Dr. Balguy, giving an account of the preservation of two human bodies in peat for 59 years. The one, a male, was perfect, his beard was strong, the hair of his beard was short, and his skin hard, and of a tanned leather color, the joints of his legs played free-



ly, without the least stiffness. The other, a female, was more injured, but her hair was like a living person's.—*U. S. Gaz.*

The Tan-yards, appear, from the following extracts, to have occupied most of the ground in the neighborhood of the Dock; in 1739 they occasioned some considerable discussion; and in fact, an appeal to the Assembly, to cause them to be removed from the city, under a supposition that the health of the citizens was prejudiced by them. By a reference to the acts of Assembly, it appears that the decision of the question was referred to the city authorities—whether they came to any determination at that time, we have not ascertained, but it is a fact, that the last tan-yard in that neighborhood, was closed only a few years since, when the new buildings immediately below Girard's Bank, were erected on the spot which the tan-yard of S. Smith had previously occupied.

From the PENNSYLVANIA GAZETTE, No. 556, A. D. 1739.

In the year 1699, a distemper broke out in this city which swept off great numbers—It was of the malignant kind, and raged with extraordinary violence—at that time there were but two tan-yards on the *Dock street*, or even in the city, viz: Hudson's, and Lambert's, and but few houses in the neighborhood; Lambert was seized with the distemper in a very violent and uncommon manner, he sickened, died, and was buried, in less than two days, thus one tanner died out of two; and from the houses nearest the dock; a great many died, whose names and places of abode were well known to some now living; and though it is not said, the violence of the distemper on Lambert, or that the numbers who died out of the nearest houses to the tan-yards were increased or occasioned by the stench of the pits, yet the probability is strong, and the experience of our neighbors at New York, and their proceedings thereon amount to what the tanners would call a full proof.

The Mercury, Sept. 13, 1739—says, "Almost all the ground between *Walnut Street bridge* and *Third street* on both side the dock is in possession of the tanners."

From the United States Gazette.

#### ANCIENT GRAVES DISCOVERED.

A brief Notice of some singular appearances of ancient graves, discovered in the diluvial gravel of the site of Philadelphia.

The workmen employed to dig out the ground for the foundation of an addition to the oil cloth carpet manufactory at Bush Hill, belonging to Mr. James McCalla, discovered some singular appearances of ancient graves. They were about 30 in number situate above 2 feet a-part, arranged in two parallel rows running north and south, commencing on the south side of Fairview street, about 10 feet east of Schuylkill Fifth street. They were all exactly of the same dimensions, namely: 5 feet in length, 2 feet in width, 1 foot 6 inches in depth, from the surface of the earth to the place where the remains were found, and thence 2 feet 6 inches more to the bottom of the deposit. The ground between the surface of the earth and the deposit was gravel covered with a thin soil, and its compactness and consistency was such that no one would have conjectured that it had been disturbed. The spaces containing the deposit were bounded by straight lines at right angles, as if these had once been boxes, or coffins, but no vestige of wood or nails could be traced. Each space contained a grey earth in ashes, which, when examined, proved to be animal remains. They were all, except two, full of this substance, those two were half full; no bone or tooth was discovered.

AN OLD TOMBSTONE.—In digging a cellar for a house, about to be built in Second street, a few doors below Chesnut, some human bones were discovered, and afterwards a tombstone, bearing date 1715. Above these relics of another century, there was apparently "made ground," inducing the inference that the site, in former times, had been occupied as a grave-yard. The tombstone bore the record of the decease of

"M—Fane,"

who departed this life at the age of 64. Some of our antiquaries may probably be enabled to furnish some interesting reminiscences upon this subject.—*Inquirer.*

READING, APRIL 7.

Yesterday after the whole fabric had been razed to the ground of that ancient stone place of public worship, the German Reformed Church, which withstood the blasts of between seventy and eighty winters, the cavity of the corner stone was exposed to public view. Our business prevented us from being present at the interesting sight. We hastily gleaned the following: Its contents consisted of a leaden plate, upon which were stamped brief *memorabilia* of the founding of the building, together with a decayed manuscript, and the holy scriptures so much in a state of decay as to render illegible a single letter. In fact, a portion that we saw, resembled in our estimation, thin pieces of shavings in a rotted state.—*Journal.*

NORRISTOWN.

On the condition and prospect of the town, the Herald of yesterday says:

The unusual demand for small houses this spring, in this borough, we suppose will be a sufficient inducement for those who own property to erect a large number the present season. Several families have been obliged to leave the place for want of dwellings, and a large number of applicants have been unsuccessful. The increase of business of every kind, and the remarkable healthiness of the borough, are strong inducements for strangers to establish a residence amongst us, which if properly encouraged would in a few years, increase our business, population and town.

It is worthy of observation that part of this borough, which in our recollection was chiefly enclosed with post and rail fence, and produced fine crops of grass and grain, is now the business part of the town. We allude to that part between Swedes street, and De Kalb street, in which there are now four taverns, three stores, six lawyers' offices and a magistrate's office, two printing-offices, a post-office, an apothecary shop, a marble-yard, a bake-house and cake shop, a clock and watch-maker shop, a hatter's shop, an oyster house, lottery office, confectionary and fruit store, a currier's shop, a tailor's shop, a cabinet maker's shop, a saddle and harness maker's shop.

BEAVER, APRIL 6.

NEW PHILADELPHIA.—The seceding portion of the Harmony Society have purchased from Messrs. Phillips & Graham, the town of Phillipsburg, opposite this place, for the purpose of forming a community under the title of the "Philadelphia Society." Their town will assume the name of *New Philadelphia*. They intend entering largely into the manufacturing business. We wish them success.—*Argus.*

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# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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## THE CHEROKEE CASE.

*Opinion of Mr. Justice McLean delivered January Term, 1832.*

SAMUEL A. WORCESTER, vs. THE STATE OF GEORGIA.

MR. JUSTICE MCLEAN—As this case involves principles of the highest importance, and may lead to consequences which shall have an enduring influence on the institutions of this country; and as there are some points in the case on which I wish to state, distinctly, my opinion, I embrace the privilege of doing so.

With the decision, just given, I concur.

The plaintiff in error was indicted under a law of Georgia, "for residing in that part of the Cherokee nation attached, by the laws of said State, to the county of Gwinnett, without a license or permit from his Excellency the Governor of the State, or from any agent authorized by his Excellency the Governor to grant such permit or license, and without having taken the oath to support and defend the constitution and laws of the State of Georgia, and uprightly to demean himself as a citizen thereof."

On this indictment the defendant was arrested, and, on being arraigned before the Superior Court for Gwinnett county, he filed, in substance, the following plea.

He admits that, on the 15th of July, 1831, he was, and still continued to be, a resident in the Cherokee nation, and that the crime, if any were committed, was committed at the town of New Echota, in said nation, out of the jurisdiction of the court. That he is a citizen of Vermont, and that he entered the Indian country in the capacity of a duly authorized Missionary of the American Board of Commissioners for Foreign Missions, under the authority of the President of the United States, and has not since been required by him to leave it. That he was, at the time of his arrest, engaged in preaching the Gospel to the Cherokee Indians, and in translating the Sacred Scriptures into their language, with the permission and approval of the Cherokee nation, and in accordance with the humane policy of the Government of the United States, for the improvement of the Indians.

He then states, as a bar to the prosecution, certain treaties made between the United States and the Cherokee Indians, by which the possession of the territory they now inhabit was solemnly guaranteed to them; and also, by a certain act of Congress, passed in March, 1802, entitled "An act to regulate trade and intercourse with the Indian tribes." He also alleges, that this subject, by the Constitution of the United States, is exclusively vested in Congress; and that the law of Georgia, being repugnant to the Constitution of the United States, to the treaties referred to, and to the act of Congress specified, is void, and cannot be enforced against him.

This plea was overruled by the court, and the defendant pleaded not guilty.

The jury returned a verdict of guilty; and the defendant was sentenced, by the court, to be kept in close custody, by the Sheriff of the county, until he could be transported to the penitentiary of the State, and the keeper thereof was directed to receive him into custody,

and keep him at hard labour in the penitentiary, during the term of four years.

Another individual was included in the same indictment, and joined in the plea to the jurisdiction of the court, and was also included in the sentence, but his name is not adverted to, because the principles of the case are fully presented, in the above statement.

To reverse this judgment, a writ of error was obtained, which, having been returned, with the record of the proceedings, is now before this Court.

The first question which it becomes necessary to examine, is, whether the record had been duly certified, so as to bring the proceedings regularly before this tribunal.

A writ of error was allowed, in this case, by one of the Justices of this Court, and the requisite security taken. A citation was also issued, in the form prescribed, to the State of Georgia, a true copy of which, as appears by the oath of William Patton, was delivered to the Governor, on the 24th of November last; and that another true copy was delivered, on the 22d day of the same month, to the Attorney General of the state.

The record was returned by the clerk, under the seal of the Court, who certifies that it is a full and complete exemplification of the proceedings and judgment of the case; and he further certifies, that the original bond, and a copy of the writ of error, were duly deposited and filed in the clerk's office of the said court, on the 10th day of November last.

Is it necessary, in such a case, that the record should be certified by the Judge who held the Court?

In the case of *Martin, vs. Hunter's lessee*, which was a writ of error to the Court of Appeals of Virginia, it was objected that the return to the writ of error was defective, because the record was not so certified; but the Court, in that case, said, "the forms of process, and the modes of proceeding in the exercise of jurisdiction, are with few exceptions left by the legislature to be regulated and changed as this court may, in its discretion, deem expedient." By a rule of this court, "the return of a copy of a record of the proper court, annexed to the writ of error, is declared to be a sufficient compliance with the mandate of the writ." The record, in this case, is duly certified by the clerk of the court of appeals, annexed to the writ of error. The objection, therefore, which has been urged to the sufficiency of the return, cannot prevail."—(1 Wheat. 304.)

In 9 Wheat. 526, in the case of *Stewart vs. Ingle and others*, which was a writ of error to the Circuit Court for the district of Columbia, a *certiorari* was issued, upon a suggestion of diminution in the record, which was returned by the clerk with another record; whereupon a motion was made for a new *certiorari*, on the ground that the return ought to have been made by the judge of the court below, and not by the clerk. The writ of *certiorari*, it is known, like the writ of error, is directed to the court.

Mr. Justice Washington, after consultation with the Judges, stated that, according to the rules and practice of the court, a return made by the clerk, was a sufficient return.

To ascertain what has been the general course of practice on this subject, an examination has been made



into the manner in which records have been certified from State Courts to this Court; and it appears that, in the year eighteen hundred and seventeen, six causes were certified in obedience to writs of error, by the clerk, under the seal of the Court. In the year eighteen hundred and nineteen, two were so certified, one of them being the case of *McCullough vs. the State of Maryland*.

In the year eighteen hundred and twenty-one, three cases were so certified; and in the year eighteen hundred and twenty-three, there was one. In eighteen hundred and twenty-seven, there were five; and in the ensuing year seven.

In the year eighteen hundred and thirty, there were eight causes so certified, in five of which, a state was a party on the record. There were three causes thus certified in the year eighteen hundred and thirty-one, and five in the present year.

During the above periods, there were only fifteen causes from State Courts, where the records were certified by the Court or the presiding Judge, and one of these was the case of *Cohen vs. the State of Virginia*.

This court adopted the following rule on this subject, in seventeen hundred and ninety-seven:

"It is ordered by the Court, that the Clerk of the Court to which any writ of error shall be directed, may make the return of the same, by transmitting a true copy of the record and of all proceedings in the cause, under his hand, and the seal of the court."

The power of the Court to adopt this rule cannot be questioned: and it seems to have regulated the practice ever since its adoption. In some cases, the certificate of the Court, or the presiding Judge, has been affixed to the record; but this court has decided, where the question has been raised, that such certificate is unnecessary.

So far as the authentication of the record is concerned, it is impossible to make a distinction between a civil and a criminal case. What may be sufficient to authenticate the proceedings in a civil case, must be equally so in a criminal one. The verity of the records is of as much importance in the one case as the other.

This is a question of practice, and it would seem that, if any one point in the practice of this Court can be considered as settled, this one must be so considered.

In the progress of the investigation, the next inquiry which seems naturally to arise, is, whether this is a case in which a writ of error may be issued.

By the twenty-fifth section of the Judiciary act of seventeen hundred and eighty-nine, it is provided, "that a final judgment or decree in any suit in the highest court of law or equity of a State, in which a decision in the suit could be had, where is drawn in question the validity of a treaty, or statute of, or an authority exercised under, any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favour of such their validity; or where is drawn in question the construction of any clause of the Constitution, or of a treaty, or statute of, or commission held under, the United States, and the decision is against the title, right, privilege, or exemption, specially set up or claimed by either party, under such clause of the said Constitution, treaty, statute, or commission, may be re-examined, and reversed or affirmed, in the Supreme Court of the United States."

Doubts have been expressed whether a writ of error to a State Court is not limited to civil cases. These doubts could not have been suggested by reading the above section. Its provisions apply as well to criminal as to civil cases, where the Constitution, treaties, or laws of the United States come in conflict with the laws of a State; and the latter is sustained by the decision of the Court.

It has been said, that this Court can have no power to arrest the proceedings of a State tribunal, in the enforcement of the criminal laws of the State. This is un-

doubtedly true, so long as a State Court, in the execution of its penal laws, shall not infringe upon the Constitution of the United States, or some treaty or law of the Union.

Suppose a State should make it penal for an officer of the United States to discharge his duties within its jurisdiction; as, for instance, a land officer, an officer of the customs, or a post-master, and punish the offender by confinement in the penitentiary; could not the Supreme Court of the United States interpose their power, and arrest or reverse the State proceedings? Cases of this kind are so palpable, that they need only to be stated, to gain the assent of every judicious mind. And would not this be an interference with the administration of the criminal laws of a State?

This Court have repeatedly decided, that they have no appellate jurisdiction in criminal cases, from the Circuit Courts of the United States: writs of error and appeals are given from those Courts only in civil cases. But, even in those Courts, where the Judges are divided on any point, in a criminal case, the point may be brought before this Court, under a general provision in cases of division of opinion:

Jurisdiction is taken in the case under consideration, exclusively, by the provisions of the 25th section of the law which has been quoted. These provisions, as has been remarked, apply, indiscriminately, to criminal and civil cases, wherever a right is claimed under the Constitution, treaties, or laws, of the United States and the decision by the State Court is against such right. In the present case, the decision was against the right expressly set up by the defendant, and it was made by the highest judicial tribunal of Georgia.

To give jurisdiction in such a case, this Court need look no further than to ascertain, whether the right, thus asserted, was decided against by the State Court. The case is clear of difficulty on this point.

The name of the State of Georgia is used in this case, because such was the designation given to the cause in the State Court. No one ever supposed that the State, in its sovereign capacity, in such a case, is a party to the cause. The form of the prosecution here must be the same as it was in the State Court; but so far as the name of the State is used, it is matter of form. Under a rule of this Court, notice was given to the Governor and Attorney General of the State, because it is a part of their duty to see that the laws of the State are executed.

In prosecutions for violations of the penal laws of the Union, the name of the United States is used in the same manner. Whether the prosecution be under a Federal or State law, the defendant has a right to question the constitutionality of the law.

Can any doubt exist as to the power of Congress to pass the law, under which jurisdiction is taken in this case? Since its passage, in seventeen hundred and eighty-nine, it has been sanctioned by an uninterrupted course of decisions in this court, and acquiesced in by the State tribunals, with perhaps a solitary exception: and, whenever the attention of the National Legislature has been called to the subject, their sanction has been given to the law, by so large a majority as to approach almost to unanimity.

Of the policy of this act there can be as little doubt as of the right of Congress to pass it.

The Constitution of the United States was formed, not in my opinion, as some have contended, by the people of the United States, nor, as others, by the States; but by a combined power, exercised by the people, through their delegates, limited in their sanctions to the respective States.

Had the Constitution emanated from the people, and the States had been referred to, merely as convenient districts, by which the public expressions could be ascertained, the popular vote throughout the Union would have been the only rule for the adoption of the Constitution. This course was not pursued; and, in this fact, it clearly appears, that our fundamental law was not form-



ed, exclusively, by the popular suffrage of the people.

The vote of the people was limited to the respective States in which they resided. So that it appears, there was an expression of popular suffrage and State sanction, most happily united in the adoption of the Constitution of the Union.

Whatever differences of opinion may exist, as to the means by which the Constitution was adopted, there would seem to be no ground for any difference as to certain powers conferred by it.

Three co-ordinate branches of the Government were established; the Executive, Legislative, and Judicial. These branches are essential to the existence of any free government, and they should possess powers, in their respective spheres, co-extensive with each other.

If the Executive have not powers which will enable him to execute the functions of his office, the system is essentially defective; as those duties must, in such case, be discharged by one of the other branches. This would destroy that balance which is admitted to be essential to the existence of free government, by the wisest and most enlightened statesmen of the present day.

It is not less important that the Legislative power should be exercised by the appropriate branch of the Government, than that the Executive duties should devolve upon the proper functionary. And, if the Judicial power fall short of giving effect to the laws of the Union, the existence of the Federal Government is at an end.

It is in vain, and worse than in vain, that the National Legislature enact laws, if those laws are to remain upon the statute book as monuments of the imbecility of the national power. It is in vain that the Executive is called to superintend the execution of the laws, if he have no power to aid in their enforcement.

Such weakness and folly are, in no degree, chargeable to the distinguished men through whose instrumentality the Constitution was formed. The powers given, it is true, are limited; and no powers, which are not expressly given, can be exercised by the Federal Government; but, where given, they are supreme. Within the sphere allotted to them, the co-ordinate branches of the General Government revolve, unobstructed by any legitimate exercise of power by the State Governments. The powers exclusively given to the Federal Government are limitations upon the State authorities. But, with the exception of these limitations, the States are supreme; and their sovereignty can be no more invaded by the action of the General Government, than the action of the State Governments can arrest, or obstruct, the course of the national power.

In the 2d section of the 3d article of the Constitution, it is declared that "the Judicial power shall extend to all cases, in law and equity, arising under the Constitution, the laws of the United States, and treaties made, or which shall be made under their authority."

Having shown that a writ of error will lie in this case, and that the record has been duly certified, the next inquiry that arises is, what are the acts of the United States which relate to the Cherokee Indians and the acts of Georgia; and were these acts of the United States sanctioned by the Federal Constitution?

Among the enumerated powers of Congress, contained in the eighth section of the first article of the Constitution, it is declared "that Congress shall have power to regulate commerce with foreign nations, and among the Indian tribes." By the Articles of Confederation, which were adopted on the ninth day of July, seventeen hundred and seventy-eight, it was provided "that the United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck, by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and management of

all affairs with the Indians, not members of any of the States: *Provided*, that the legislative right of any State, within its own limits, be not infringed or violated.

As early as June, seventeen hundred and seventy-five, and before the adoption of the Articles of Confederation, Congress took into their consideration the subject of Indian affairs. The Indian country was divided into three departments, and the superintendence of each was committed to commissioners, who were authorized to hold treaties with the Indians, make disbursements of money, for their use, and to discharge various duties, designed to preserve peace and cultivate a friendly feeling with them towards the colonies. No person was permitted to trade with them without a license from one or more of the commissioners of the respective departments.

In April, seventeen hundred and seventy-six, it was "Resolved, That the Commissioners of Indian Affairs in the middle department, or any one of them, be desired to employ, for reasonable salaries, a minister of the Gospel, to reside among the Delaware Indians, and instruct them in the Christian religion; a school master to teach their youth reading, writing and arithmetic; also, a blacksmith, to do the work of the Indians." The general intercourse with the Indians continued to be managed under the superintendence of the Continental Congress.

On the twenty-eighth of November, 1785, the treaty of Hopewell was formed, which was the first treaty made with the Cherokee Indians. The commissioners of the United States were required to give notice to the Executives of Virginia, North Carolina, South Carolina, and Georgia, in order that each might appoint one or more persons to attend the treaty, but they seem to have had no power to act on the occasion.

In this treaty it is stipulated that "the commissioners plenipotentiary of the United States in Congress assembled, give peace to all the Cherokees, and receive them into the favour and protection of the United States of America, on the following conditions."

1. The Cherokees to restore all prisoners and property taken during the war.

2. The United States to restore to the Cherokees all prisoners.

3. The Cherokees acknowledge themselves to be under the protection of the United States, and of no other sovereign whatever.

4. The boundary line between the Cherokees and the citizens of the United States was agreed to as designated.

5. If any person, not being an Indian, intrude upon the land "allotted" to the Indians, or, being settled on it, shall refuse to remove within six months after the ratification of the treaty, he forfeits the protection of the United States, and the Indians were at liberty to punish him as they might think proper.

6. The Indians are bound to deliver up to the United States any Indian who shall commit robbery, or other capital crime, on a white person living within their protection.

7. If the same offence be committed on an Indian by a citizen of the United States, he is to be punished.

8. It is understood that the punishment of the innocent, under the idea of retaliation, is unjust, and shall not be practised on either side, except where there is a manifest violation of this treaty; and then it shall be preceded, first, by a demand of justice; and, if refused, then by a declaration of hostilities.

12. That the Indians may have full confidence in the justice of the United States respecting their interests, they shall have a right to send a deputy of their choice, whenever they shall think fit, to Congress.

The treaty of Holston was entered into with the same people, on the second day of July, seventeen hundred and ninety-one.

This was a treaty of peace, in which the Cherokees again placed themselves under the protection of the



United States, and engaged to hold no treaty with any foreign power, individual State, or with individuals of any State. Prisoners were agreed to be delivered up on both sides; a new Indian boundary was fixed; and a cession of land made to the United States on the payment of a stipulated consideration.

A free, unmolested road was agreed to be given through the Indian lands, and the free navigation of the Tennessee river. It was agreed, that the United States should have the exclusive right of regulating their trade, and a solemn guarantee of their land, not ceded, was made. A similar provision was made, as to the punishment of offenders, and as to all persons who might enter the Indian territory, as was contained in the treaty of Hopewell. Also, that reprisal or retaliation shall not be committed, until satisfaction shall have been demanded of the aggressor.

On the seventh day of August, seventeen hundred and eighty-six, an ordinance for the regulation of Indian affairs was adopted; which repealed the former system.

In seventeen hundred and ninety-four, another treaty was made with the Cherokees, the object of which was to carry into effect the treaty of Holston. And on the plains of Tellico, on the second of October, seventeen hundred and ninety-eight, the Cherokees, in another treaty, agreed to give a right of way, in a certain direction, over their lands. Other engagements were also entered into, which need not be referred to.

Various other treaties were made by the United States with the Cherokee Indians, by which, among other arrangements, cessions of territory were procured and boundaries agreed on.

In a treaty made in eighteen hundred and seventeen, a distinct wish is expressed by the Cherokees, to assume a more regular form of Government, in which they are encouraged by the United States. By a treaty held at Washington on the twenty-seventh day of February, eighteen hundred and nineteen, a reservation of land is made by the Cherokees for a school fund which was to be surveyed and sold by the United States for that purpose. And it was agreed, that all white persons, who had intruded on the Indian lands should be removed.

To give effect to various treaties with this people, the power of the Executive has frequently been exercised; and at one time, General Washington expressed a firm determination to resort to military force, to remove intruders from the Indian territories.

On the thirtieth of March, eighteen hundred and two, Congress passed an act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.

In this act, it is provided, that any citizen or resident in the United States, who shall enter into the Indian lands, to hunt, or for any other purpose, without a license, shall be subject to fine and imprisonment. And if any person shall attempt to survey, or actually survey, the Indian lands, he shall be liable to forfeit a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months. No person is permitted to reside as a trader within the Indian boundaries, without a license or permit. All persons are prohibited, under a heavy penalty, from purchasing the Indian lands; and all such purchases are declared to be void. And it is made lawful for the military force of the United States to arrest offenders against the provisions of the act.

By the seventeenth section, it is provided, that the act shall not be so construed as to "prevent any trade or intercourse with Indians living on lands surrounded by settlements of citizens of the United States, and being within the ordinary jurisdiction of any of the individual States; or the unmolested use of a road, from Washington district to Mero district, or to prevent the citizens of Tennessee from keeping in repair said road." Nor was the act to be so construed as to prevent persons from travelling from Knox-

ville to Price's settlement, provided they shall travel in the trace or path which is usually travelled, and the Indians do not object; but if they object, then all travel on this road to be prohibited, after proclamation by the President, under the penalties provided in the act.

Several acts, having the same objects in view, were passed prior to this one; but as they were repealed either before, or by the act of eighteen hundred and two, their provisions need not be specially noticed.

The acts of the State of Georgia, which the plaintiff in error complains of, as being repugnant to the constitution, treaties, and laws of the United States, are found in two statutes.

The first act was passed the twelfth of December, eighteen hundred and twenty-nine; and is entitled "An act to add the territory lying within the chartered limits of Georgia, and now in the occupancy of the Cherokee Indians, to the counties of Carroll, DeKalb, Gwinnett, and Habersham; and to extend the laws of the State over the same, and to annul all laws made by the Cherokee nation of Indians, and to provide for the compensation of officers serving legal process in said territory, and to regulate the testimony of Indians, and to repeal the ninth section of the act of eighteen hundred and twenty-eight on this subject."

This act annexes the territory of the Indians, within the limits of Georgia, to the counties named in the title; and extends the jurisdiction of the state over it. It annuls the laws, ordinances, orders, and regulations, of any kind, made by the Cherokees, either in council or in any other way, and they are not permitted to be given in evidence in the courts of the State. By this law no Indian, or the descendant of an Indian, residing within the Creek or Cherokee nations of Indians, shall be deemed a competent witness in any court of the State, to which a white person may be a party, except such white person reside within the nation. Offences under the act are to be punished by confinement in the penitentiary, in some cases not less than four or more than six years, and in others, not exceeding four years.

The second act was passed on the twenty-second day of December, eighteen hundred and thirty, and is entitled "An act to prevent the exercise of assumed and arbitrary power, by all persons, under pretext of authority from the Cherokee Indians and their laws, and to prevent white persons residing within that part of the chartered limits of Georgia, occupied by the Cherokee Indians, and to provide a guard for the protection of the gold mines, and to enforce the laws of the state within the aforesaid territory."

By the first section of this act, it is made a penitentiary offence, after the first of February, eighteen hundred and thirty-one, for any person or persons, under colour or pretence of authority from the said Cherokee tribe, or as head men, chiefs, or warriors of said tribe, to cause or procure by any means, the assembling of any Council or other pretended Legislative body of the said Indians, for the purpose of legislating, &c.

They are prohibited from making laws, holding courts of justice, or executing process. And all white persons, after the first of March, eighteen hundred and thirty-one, who shall reside within the limits of the Cherokee nation, without a license or permit from his Excellency the Governor, or from such agent as his Excellency the Governor shall authorize to grant such permit or license, or who shall not have taken the oath hereinafter required, shall be guilty of a high misdemeanor; and, upon conviction thereof, shall be punished by confinement to the penitentiary, at hard labour, for a term not less than four years." From this punishment, agents of the United States are excepted, white females, and male children under twenty-one years of age.

Persons who have obtained license, are required to take the following oath: "I, A. B., do solemnly swear, that I will support and defend the Constitution and laws of the State of Georgia, and uprightly demean myself as a citizen thereof. So help me God."



The Governor is authorized to organize a guard, which shall not consist of more than sixty persons, to protect the mines in the Indian territory, and the guard is authorized to arrest all offenders under the act.

It is apparent that these laws are repugnant to the treaties with the Cherokee Indians which have been referred to, and to the law of eighteen hundred and two. This repugnance is made so clear by an exhibition of the respective acts, that no force of demonstration can make it more palpable.

By the treaties and laws of the United States, rights are guaranteed to the Cherokees, both as it respects their territory and internal polity. By the laws of Georgia these rights are abolished; and not only abolished, but an ignominious punishment is inflicted on the Indians, and others, for the exercise of them. The important question then arises, which shall stand, the laws of the United States, or the laws of Georgia? No rule of construction, or subtlety of argument, can evade an answer to this question. The response must be, so far as the punishment of the plaintiff in error is concerned, in favor of the one or the other.

Not to feel the weight of this momentous subject, would evince an ignorance of that high responsibility which is devolved upon this tribunal, and upon its humble member, in giving a decision in this case.

Are the treaties and law which have been cited, in force? and what, if any, obligations, do they impose on the Federal Government, within the limits of Georgia?

A reference has been made to the policy of the United States on the subject of Indian affairs, before the adoption of the constitution, with the view of ascertaining in what light the Indians have been considered by the first official acts, in relation to them, by the United States. For this object, it might not be improper to notice how they were considered by the European inhabitants, who first formed settlements in this part of the continent of America.

The abstract right of every section of the human race to a reasonable portion of the soil, by which to acquire the means of subsistence, can not be controverted. And it is equally clear, that the range of nations or tribes, who exist in the hunter state, may be restricted within reasonable limits. They shall not be permitted to roam, in the pursuit of game, over an extensive and rich country, whilst, in other parts, human beings are crowded so closely together, as to render the means of subsistence precarious. The law of nature, which is paramount to all other laws, gives the right to every nation, to the enjoyment of a reasonable extent of country, so as to derive the means of subsistence from the soil.

In this view, perhaps, our ancestors, when they first migrated to this country, might have taken possession of a limited extent of the domain, had they been sufficiently powerful, without negotiation or purchase from the native Indians. But this course is believed to have been nowhere taken. A more conciliatory mode was preferred, and one which was better calculated to impress the Indians, who were then powerful, with a sense of the justice of their white neighbors. The occupancy of their land was never assumed, except upon the basis of contract, and on the payment of a valuable consideration.

This policy has obtained from the earliest white settlements in this country, down to the present time. Some cessions of territory may have been made by the Indians, in compliance with the terms on which peace was offered with the whites; but the soil thus taken was taken by the laws of conquest, and always as an indemnity for the expenses of the war, commenced by the Indians.

At no time has the sovereignty of the country been recognized as existing in the Indians, but they have been always admitted to possess many of the attributes of sovereignty. All the rights which belong to self-government have been recognized as vested in them. Their right of occupancy has never been questioned,

but the fee in the soil has been considered in the government. This may be called the right to the ultimate domain, but the Indians have a present right of possession.

In some of the old states, Massachusetts, Connecticut, Rhode Island, and others, where small remnants of tribes remain, surrounded by white population, and who, by their reduced numbers, had lost the power of self-government, the laws of the state have been extended over them, for the protection of their persons and property.

Before the adoption of the Constitution, the mode of treating with the Indians was various. After the formation of the Confederacy, this subject was placed under the special superintendence of the United Colonies; though, subsequent to that time, treaties may have been occasionally entered into between a State and the Indians in its neighbourhood. It is not considered to be at all important to go into a minute inquiry on this subject.

By the constitution, the regulation of commerce among the Indian tribes is given to Congress. This power must be considered as exclusively vested in Congress, as the power to regulate commerce with foreign nations, to coin money, to establish post offices, and to declare war. It is enumerated in the same section, and belongs to the same class of powers.

This investiture of power has been exercised in the regulation of commerce with the Indians, sometimes by treaty, and at other times by enactments of Congress. In this respect, they have been treated by the Federal authority, with but few exceptions, on the same footing as foreign nations.

It is said that these treaties are nothing more than compacts, which cannot be considered as obligatory on the United States, from a want of power in the Indians to enter into them.

What is a treaty? The answer is, it is a compact formed between two nations or communities, having the right of self-government.

Is it essential that each party shall possess the same attributes of sovereignty, to give force to the treaty? This will not be pretended; for, on this ground, very few valid treaties could be formed. The only requisite is, that each of the contracting parties shall possess the right of self-government, and the power to perform the stipulations of the treaty.

Under the constitution, no State can enter into any treaty; and it is believed that, since its adoption, no State, under its own authority, has held a treaty with the Indians.

It must be admitted that the Indians sustain a peculiar relation to the United States. They do not constitute, as was decided at the last term, a foreign State, so as to claim the right to sue in the Supreme Court of the United States; and yet, having the right of self-government, they, in some sense, form a State. In the management of their internal concerns, they are dependent on no power. They punish offences under their own laws, and, in doing so, they are responsible to no earthly tribunal. They make war, and form treaties of peace. The exercise of these, and other powers, gives to them a distinct character as a people, and constitutes them, in some respects, a State, although they may not be admitted to possess the right of soil.

By various treaties the Cherokees have placed themselves under the protection of the United States; they have agreed to trade with no other people; nor to invoke the protection of any other sovereignty. But such engagements do not divest them of the right of self-government, nor destroy their capacity to enter into treaties or compacts.

Every state is more or less dependent on those which surround it; but, unless this dependence shall extend so far as to merge the political existence of the protected people into that of their protectors, they may still constitute a State. They may exercise the powers not re-



linquished, and bind themselves as a distinct and separate community.

The language used in treaties with the Indians should never be construed to their prejudice. If words be made use of which are susceptible of a more extended meaning than their plain import, as connected with the tenor of the treaty, they should be considered as used only in the latter sense. To contend that the word "allotted," in reference to the land guaranteed to the Indians in certain treaties, indicates a favour conferred, rather than a right acknowledged, would, it would seem to me, do injustice to the understanding of the parties. How the words of the treaty were understood by this unlettered people, rather than their critical meaning, should form the rule of construction.

The question may be asked, Is no distinction to be made between a civilized and savage people? Are our Indians to be placed upon a footing with the nations of Europe, with whom we have made treaties?

The inquiry is not, What station shall now be given to the Indian tribes in our country? but, What relation have they sustained to us, since the commencement of our Government?

We have made treaties with them; and are those treaties to be disregarded on our part, because they were entered into with an uncivilized people? Does this lessen the obligation of such treaties? By entering into them, have we not admitted the power of this people to bind themselves, and to impose obligations on us?

The President and Senate, except under the treaty-making power, cannot enter into compacts with the Indians, or with foreign nations. This power has been uniformly exercised in forming treaties with the Indians.

Nations differ from each other in condition, and that of the same nation may change by the revolutions of time, but the principles of justice are the same. They rest upon a base which will remain beyond the endurance of time.

After a lapse of more than forty years since treaties with the Indians have been solemnly ratified by the General Government, it is too late to deny their binding force. Have the numerous treaties which have been formed with them, and the ratifications by the President and Senate, been nothing more than an idle pageantry?

By numerous treaties with the Indian tribes, we have acquired accessions of territory, of incalculable value to the Union. Except by compact, we have not even claimed a right of way through the Indian lands. We have recognized in them the right to make war. No one has ever supposed that the Indians could commit treason against the United States. We have punished them for their violation of treaties; but we have inflicted the punishment on them as a nation, and not on individual offenders among them as traitors.

In the executive, Legislative, and Judicial branches of our Government, we have admitted by the most solemn actions, the existence of the Indians as a separate and distinct people, and as being vested with rights which constitute them a State, or separate community—not a foreign, but a domestic community—not as belonging to the Confederacy, but as existing within it, and, of necessity, bearing to it a peculiar relation.

But, can the treaties which have been referred to, and the law of eighteen hundred and two, be considered in force within the limits of the State of Georgia?

In the act of cession, made by Georgia to the United States, in eighteen hundred and two, of all lands claimed by her west of the line designated, one of the conditions was, "that the United States should, at their own expense, extinguish, for the use of Georgia, as early as the same can be peaceably obtained on reasonable terms, the Indian title to lands within the State of Georgia."

One of the counsel, in the argument, endeavoured to show, that no part of the country now inhabited by the Cherokee Indians, is within what is called the chartered limits of Georgia.

It appears that the Charter of Georgia was surrendered by the trustees, and that, like the State of South Carolina, she became a regale colony. The effect of this change was, to authorize the crown to alter the boundaries, in the exercise of its discretion. Certain alterations, it seems, were subsequently made; but I do not conceive it can be of any importance to enter into a minute consideration of them. Under its charter, it may be observed that Georgia derived a right to the soil, subject to the Indian title, by occupancy. By the act of cession, Georgia designated a certain line as the limit of that cession, and this line, unless subsequently altered, with the assent of the parties interested, must be considered as the boundary of the State of Georgia. This line having been thus recognized, cannot be contested on any question which may incidentally arise for judicial decision.

It is important on this part of the case, to ascertain in what light Georgia has considered the Indian title to lands, generally, and particularly within her own boundaries; and also, as to the right of the Indians to self-government.

In the first place, she was a party to all the treaties entered into between the United States and the Indians, since the adoption of the constitution; and prior to that period, she was represented in making them, and was bound by the provisions, although it is alleged that she remonstrated against the treaty of Hopewell. In the passage of the intercourse law of eighteen hundred and two, as one of the constituent parts of the Union, she was also a party.

The stipulation made in her act of cession, that the United States should extinguish the Indian title to lands within the state, was a distinct recognition of the right in the Federal Government, to make the extinguishment; and also, that until it should be made, the right of occupancy would remain in the Indians.

In a law of the State of Georgia, "for opening the land office and for other purposes," passed in seventeen hundred and eighty-three, it is declared that surveys made on Indian lands were null and void; and a fine was inflicted on the person making the survey, which, if not paid by the offender, he was punished by imprisonment. By a subsequent act, a line was fixed for the Indians, which was a boundary between them and the whites. A similar provision is found in other laws of Georgia, passed before the adoption of the constitution. By an act of seventeen hundred and eighty-seven, severe corporal punishment was inflicted on those who made or attempted to make surveys, "beyond the temporary line designating the Indian hunting ground."

On the nineteenth of November, eighteen hundred and fourteen, the following resolutions were adopted by the Georgia Legislature.

"Whereas many of the citizens of this State, without regard to existing treaties between the friendly Indians and the United States, and contrary to the interests and good policy of this State, have gone, and are frequently going over, and settling and cultivating the lands allotted to the friendly Indians, for their hunting ground, by which means the State is not only deprived of their services in the army, but considerable feuds are engendered between us and our friendly neighbouring Indians:

*"Resolved, therefore, by the Senate and House of Representatives of the State of Georgia, in General Assembly met,* That his Excellency the Governor be, and is hereby requested to take the necessary means to have all intruders removed off the Indian lands, and that proper steps be taken to prevent future aggressions."

In 1817, the Legislature refused to take any steps to dispose of lands acquired by treaty with the Indians, until the treaty had been ratified by the Senate; and, by a resolution, the Governor was directed to have the line run between the State of Georgia and the Indians, according to the late treaty. The same thing was again done in the year 1819, under a recent treaty.



In a memorial to the President of the United States, by the Legislature of Georgia, in 1819, they say "it has long been the desire of Georgia, that her settlements should be extended to her ultimate limits." "That the soil within her boundaries should be subjected to her control: and, that her police organization and government should be fixed and permanent." "That the State of Georgia claims a right to the jurisdiction and soil of the territory within her limits." "She admits, however, that the right is inchoate—remaining to be perfected by the United States, in the extinction of the Indian title; the United States *pro hac vice*, as their agents."

The Indian title was also distinctly acknowledged by the act of 1793, repealing the Yazoo act. It is therefore declared, in reference to certain lands, that "they are the sole property of the State, subject only to the right of the treaty of the United States, to enable the State to purchase, under its pre-emption right, the Indian title to the same;" and also, that the land is vested in the "State, to whom the right of pre-emption to the same belongs, subject only to the controlling power of the United States, to authorize any treaties for, and to superintend the same." This language, it will be observed, was used long before the act of cession.

On the twenty-fifth of March, eighteen hundred and twenty-five, the Governor of Georgia, issued the following proclamation:

"Whereas, it is provided in said treaty, that the United States shall protect the Indians against the encroachments, hostilities, and impositions, of the whites, so that they suffer no imposition, molestation, or injury, in their persons, goods, effects, their dwellings, or the lands they occupy, until their removal shall have been accomplished, according to the terms of the treaty:" which had been recently made with the Indians.

"I have therefore thought proper to issue this my proclamation, warning all persons, citizens of Georgia or others, against trespassing or intruding upon lands occupied by the Indians, within the limits of Georgia, either for the purpose of settlement or otherwise, as every such act will be in direct violation of the provisions of the treaty aforesaid, and will expose the aggressors to the most certain and summary punishment, by the authorities of the State, and the United States." All good citizens, therefore, pursuing the dictates of good faith, will unite in enforcing the obligations of the treaty, as the supreme law, &c.

Many other references might be made to the public acts of the State of Georgia, to show, that she admitted the obligation of Indian treaties, but the above are believed to be sufficient. These acts do honor to the character of that highly respectable State.

Under the act of cession, the United States were bound, in good faith, to extinguish the Indian title to lands within the limits of Georgia, so soon as it could be done peaceably and on reasonable terms.

The State of Georgia has repeatedly remonstrated to the President on this subject, and called upon the Government to take the necessary steps to fulfil its engagement. She complained that, whilst the Indian title to immense tracts of country had been extinguished elsewhere, within the limits of Georgia but little progress had been made; and this was attributed, either to a want of effort on the part of the Federal Government, or to the effect of its policy towards the Indians. In one or more of the treaties, titles in fee simple were given to the Indians, to certain reservations of land; and this was complained of, by Georgia, as a direct infraction of the condition of the cession. It has also been asserted, that the policy of the Government, in advancing the cause of civilization among the Cherokees, and inducing them to assume the forms of a regular government and of civilized life, were calculated to increase their attachment to the soil they inhabit, and to render the purchase of their title more difficult, if not impracticable.

A full investigation of this subject may not be considered as strictly within the scope of the judicial inquiry which belongs to the present case. But, to some extent, it has a direct bearing on the question before the Court, as it tends to show how the rights and powers of Georgia were construed by her public functionaries.

By the first President of the United States, and by every succeeding one, a strong solicitude has been expressed for the civilization of the Indians. Through the agency of the Government, they have been partially induced, in some parts of the Union, to change the hunter state for that of the agriculturist and herdsman.

In a letter addressed by Mr. Jefferson to the Cherokees, dated the ninth of January, eighteen hundred and nine, he recommends them to adopt a regular Government, that crimes might be punished and property protected. He points out the mode by which a council should be chosen, who should have power to enact laws; and he also recommended the appointment of judicial and executive agents, through whom the laws might be enforced. The agent of the government who resided among them, was recommended to be associated with their council, that he might give the necessary advice on all subjects relating to their government.

In the treaty of eighteen hundred and seventeen, the Cherokees are encouraged to adopt a regular form of Government.

Since that time a law has been passed, making an annual appropriation of the sum of ten thousand dollars, as a school fund, for the education of Indian youths, which has been distributed among the different tribes where schools had been established. Missionary labors among the Indians have also been sanctioned by the Government by granting permits, to those who were disposed to engage in such a work, to reside in the Indian country.

That the means adopted by the General Government to reclaim the savage from his erratic life, and induce him to assume the forms of civilization, have had a tendency to increase the attachment of the Cherokees to the country they now inhabit, is extremely probable; and that it increased the difficulty of purchasing their lands, as by act of cession the General Government agreed to do, is equally probable.

Neither Georgia nor the United States, when the cession was made, contemplated that force should be used in the extinguishment of the Indian title; nor that it should be procured on terms that are not reasonable. But, may it not be said with equal truth, that it was not contemplated by either party that any obstructions to the fulfilment of the compact should be allowed, much less sanctioned, by the United States.

The humane policy of the Government towards these children of the wilderness must afford pleasure to every benevolent feeling; and if the efforts made have not proved as successful as was anticipated, still much has been done. Whether the advantages of this policy should not have been held out by the Government to the Cherokees within the limits of Georgia, as an inducement for them to change their residence and fix it elsewhere, rather than by such means to increase their attachment to their present home, as has been insisted on, is a question which may be considered by another branch of the Government. Such a course might, perhaps have secured to the Cherokee Indians all the advantages they have realized from the parental superintendence of the Government, and have enabled it, on peaceable and reasonable terms, to comply with the act of cession.

Does the intercourse law, of eighteen hundred and two, apply to the Indians who live within the limits of Georgia? The nineteenth section of that act provides, "that it shall not be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the United States, and being within the ordinary jurisdiction of any of the individual states." This provision, it has been supposed,



excepts from the operation of the law the Indian lands which lie within any State. A moment's reflection will show that this construction is most clearly erroneous.

To constitute an exception to the provisions of this act, the Indian settlement, at the time of its passage, must have been surrounded by settlements of the citizens of the United States, and within the ordinary jurisdiction of a State, not only within the limits of a State, but within the common exercise of its jurisdiction.

No one will pretend that this was the situation of the Cherokees who lived within the State of Georgia in eighteen hundred and two; or, indeed, that such is their present situation. If, then, they are not embraced by the exception, all the provisions of the act of eighteen hundred and two apply to them.

In the very section which contains the exception, it is provided that the use of the road from Washington District to Mero District should be enjoyed, and that the citizens of Tennessee, under the orders of the Governor, might keep the road in repair. And in the same section, the navigation of the Tennessee river is reserved, and a right to travel from Knoxville to Price's settlement, provided the Indians should not object.

Now, all these provisions relate to the Cherokee country; and can it be supposed by any one, that such provisions would have been made in the act, if Congress had not considered it as applying to the Cherokee country, whether in the State of Georgia or in the state of Tennessee?

The exception applied exclusively to those fragments of tribes which are found in several of the States, and which came literally within the description used.

Much has been said against the existence of an independent power within a sovereign State; and the conclusion has been drawn, that the Indians, as a matter of right, cannot enforce their own laws within the territorial limits of a State. The refutation of this argument is found in our past history.

That fragments of tribes, having lost the power of self-government, and who lived within the ordinary jurisdiction of a State, have been taken under the protection of the laws, has already been admitted. But there has been no instance where the State laws have been generally extended over a numerous tribe of Indians, living within the State, and exercising the right of self-government, until recently.

Has Georgia ever, before her late laws, attempted to regulate the Indian communities within her limits? It is true, New York extended her criminal laws over the remains of the tribes within that State, more for their protection than for any other purpose. These tribes were few in number, and were surrounded by a white population. But, even the State of New York has never asserted the power, it is believed, to regulate their concerns beyond the suppression of crime.

Might not the same objection to this interior independent power, by Georgia, have been urged, with as much force as at present, ever since the adoption of the constitution? Her chartered limits to the extent claimed, embraced a great number of different nations of Indians, all of whom were governed by their own laws, and were amenable only to them. Has not this been the condition of the Indians within Tennessee, Ohio, and other States?

The exercise of this independent power surely does not become more objectionable, as it assumes the basis of justice and the forms of civilization. Would it not be a singular argument to admit, that, so long as the Indians govern by the rifle and the tomahawk, their government may be tolerated; but, that it must be suppressed, so soon as it shall be administered upon the enlightened principles of reason and justice?

Are not those Indians, who have made some advances in civilization, better neighbours than those who are still in a savage state; and is not the principle, as to their self-government, within the jurisdiction of a State, the same?

When Georgia sanctioned the constitution, and con-

ferred on the National Legislature, the exclusive right to regulate commerce or intercourse with the Indians, did she reserve the right to regulate intercourse with the Indians within her limits? This will not be pretended. If such had been the construction of her own powers, would they not have been exercised? Did her Senators object to the numerous treaties which have been formed with the different tribes, who lived within her acknowledged boundaries? Why did she apply to the Executive of the Union, repeatedly, to have the Indian title extinguished; to establish a line between the Indians and the State, and to procure a right of way through the Indian lands?

The residence of Indians, governed by their own laws, within the limits of a State, has never been deemed incompatible with State sovereignty, until recently. And yet, this has been the condition of many distinct tribes of Indians, since the foundation of the Federal Government.

How is the question varied by the residence of the Indians in a territory of the United States? Are not the United States sovereign within their territories? And has it ever been conceived, by any one, that the Indian governments which exist in the territories are incompatible with the sovereignty of the Union?

A State claims the right of sovereignty commensurate with her territory; as the United States claim it, in their proper sphere, to the extent of the Federal limits. This right or power, in some cases, may be exercised, but not in others. Should a hostile force invade the country, at its most remote boundary, it would become the duty of the General Government to expel the invaders. But it would violate the solemn compacts with the Indians, without cause, to dispossess them of rights which they possess by nature, and have always exercised; and which have been uniformly acknowledged by the Federal Government.

Is it incompatible with State sovereignty to grant exclusive jurisdiction to the Federal Government over a number of acres of land, for military purposes? Our forts and arsenals, though situated in the different States, are not within their jurisdiction.

Does not the Constitution give to the United States as exclusive jurisdiction in regulating intercourse with the Indians, as has been given to them over any other subject? Is there any doubt as to this investiture of power? Has it not been exercised by the Federal Government ever since its formation, not only without objection, but under the express sanction of all the States?

The power to dispose of the public domain is an attribute of sovereignty. Can the new States dispose of the lands within their limits, which are owned by the Federal Government? The power to tax is also an attribute of sovereignty, but, can the new States tax the lands of the United States? Have they not bound themselves, by compact, not to tax the lands, nor until five years after they shall have been sold? May they violate this compact at discretion?

Why may not these powers be exercised by the respective States? The answer is, because they have parted with them expressly for the general good. Why may not a state coin money, issue bills of credit, enter into a treaty of alliance or confederation, or regulate commerce with foreign nations? Because the powers have been expressly and exclusively given to the Federal Government.

Has not the power been as expressly conferred on the Federal Government, to regulate intercourse with the Indians, and is it not as exclusively given, as any of the powers above enumerated? There being no exception to the exercise of this power, it must operate on all communities of Indians, exercising the right of self-government; and, consequently, includes those who reside within the limits of a State, as well as others. Such has been the uniform construction of this power, by the Federal Government and of every State Government, until the question was raised by the State of Georgia.



But the inquiry may be made, is there no end to the exercise of this power over Indians within the limits of a State, by the General Government? The answer is, that, in its nature, it must be limited by circumstances.

If a tribe of Indians shall become so degraded or reduced in numbers, as to lose the power of self-government, the protection of the local law, of necessity, must be extended over them. The point at which this exercise of power by a State would be proper, need not now be considered: if indeed it be a judicial question. Such a question does not seem to arise in this case. So long as treaties and laws remain in full force, and apply to Indian nations, exercising the right of self-government, within the limits of a State, the judicial power can exercise no discretion in refusing to give effect to those laws, when questions arise under them, unless they shall be deemed unconstitutional.

The exercise of the power of self-government by the Indians, within a State, is undoubtedly contemplated to be temporary. This is shown by the settled policy of the Government, in the extinguishment of their title, and especially by the compact with the State of Georgia. It is a question, not of abstract right, but of public policy. I do not mean to say that the same moral rule which should regulate the affairs of private life, should, not be regarded by communities or nations. But a sound national policy does require that the Indian tribes within our States should exchange their territories, upon equitable principles, or, eventually, consent to become amalgamated in our political communities.

At best, they can enjoy a very limited independence within the boundaries of a State, and such a residence must always subject them to encroachments from the settlements around them; and their existence within a State, as a separate and independent community, may seriously embarrass or obstruct the operation of the State laws. If, therefore, it would be inconsistent with the political welfare of the States, and the social advance of their citizens, that an independent and permanent power should exist within their limits, this power must give way to the greater power which surrounds it, or seeks its exercise beyond the sphere of State authority.

This state of things can only be produced by a co-operation of the State and Federal Governments. The latter has the exclusive regulation of intercourse with the Indians; and, so long as this power shall be exercised, it cannot be obstructed by the State. It is a power given by the Constitution, and sanctioned by the most solemn acts of both the Federal and State Governments: consequently, it cannot be abrogated at the will of a State. It is one of the powers parted with by the States, and vested in the Federal Government. But, if a contingency shall occur, which shall render the Indians who reside in a State, incapable of self-government, either by moral degradation or a reduction of their numbers, it would undoubtedly be in the power of a State Government to extend to them the axis of its laws. Under such circumstances, the agency of the General Government, of necessity, must cease.

But, if it shall be the policy of the Government to withdraw its protection from the Indians who reside within the limits of the respective States, and who not only claim the right of self-government, but have uniformly exercised it; the laws and treaties which impose duties and obligations on the General Government should be abrogated by the powers competent to do so. So long as those laws and treaties exist, having been formed within the sphere of the federal powers, they must be respected and enforced by the appropriate organs of the Federal Government.

The plaintiff who prosecutes this writ of error, entered the Cherokee country, as it appears, with the express permission of the President, and under the protection of the treaties of the United States, and the law of eighteen hundred and two. He entered, not to corrupt the morals of this people, nor to profit by their substance; but to teach them, by precept and example,

the Christian religion. If he be unworthy of this sacred office; if he had any other object than the one professed; if he sought, by his influence, to counteract the humane policy of the Federal Government towards the Indians, and to embarrass its efforts to comply with its solemn engagement with Georgia; though his sufferings be illegal, he is not a proper object for public sympathy.

It has been shown, that the treaties and laws referred to, come within the due exercise of the constitutional powers of the Federal Government; that they remain in full force, and consequently, must be considered as the supreme laws of the land. These laws throw a shield over the Cherokee Indians. They guaranteed to them their rights of occupancy, of self-government, and the full enjoyment of those blessings which might be attained in their humble condition. But by the enactments of the State of Georgia, this shield is broken in pieces—the infant institutions of the Cherokees are abolished, and their laws annulled. Infamous punishment is denounced against them, for the exercise of those rights which have been most solemnly guaranteed to them by the national faith.

Of these enactments, however, the plaintiff in error has no right to complain, nor can the question their validity, except so far as they may affect his interests. In this view, and in this view only, has it become necessary, in the present case, to consider the repugnancy of the laws of Georgia to those of the Union.

Of the justice or policy of these laws, it is not my province to speak. Such considerations belong to the Legislature by whom they were passed. They have, no doubt, been enacted under a conviction of right, by a sovereign and independent State, and their policy may have been recommended, by a sense of wrong, under the compact. Thirty years have elapsed since the Federal Government engaged to extinguish the Indian title within the limits of Georgia. That she has strong ground of complaint, arising from this delay, must be admitted; but such considerations are not involved in the present case: they belong to another branch of the Government. We can look only to the law, which defines our power, and marks out the path of our duty.

Under the administration of the laws of Georgia, a citizen of the United States has been deprived of his liberty; and claiming protection under the treaties and laws of the United States, he makes the question, as he has a right to make it, whether the laws of Georgia, under which he is now suffering an ignominious punishment, are not repugnant to the Constitution of the United States, and the treaties and laws made under it. This repugnancy has been shown; and it only remains to say, what has before been often said by this tribunal of the local laws of many of the States in this Union, that, being repugnant to the Constitution of the United States, and to the laws made under it, they can have no force to divest the plaintiff in error of his property or liberty.

The following is a copy of the Mandate of the Supreme Court in the Cherokee case, which we have obtained, and now publish, for the further information of our readers on this subject.—*Nat. Int.*

#### SUPREME COURT OF THE UNITED STATES, JANUARY TERM, 1832.

SAMUEL A. WORCESTER, *Plaintiff in Error*, vs. THE  
STATE OF GEORGIA.

*In error to the Superior Court for the County of Gwinnett,  
in the State of Georgia.*

This cause came on to be heard on the transcript of the record from the Superior Court for the County of Gwinnett, in the State of Georgia, and was urged by counsel; on consideration whereof, it is the opinion of this Court, that the act of the Legislature of the State of Georgia, upon which the indictment in this case is



founded, is contrary to the Constitution, Treaties and Laws of the United States; and that the special plea in bar pleaded by the said Samuel A. Worcester, in manner aforesaid, and relying upon the Constitution, Treaties, and Laws of the United States aforesaid, is a good bar and defence to the said indictment by the said Samuel A. Worcester; and as such ought to have been allowed and admitted by the said Superior Court for the County of Gwinnett, in the State of Georgia, before which the said indictment was pending and tried; and that there was an error in the said Superior Court of the State of Georgia, in overruling the plea so pleaded as aforesaid. It is therefore ordered and adjudged, that the Judgment rendered in the premises by the said Superior Court of Georgia upon the verdict upon the plea of Not Guilty afterwards pleaded by the said Samuel A. Worcester; whereby the said Samuel A. Worcester is sentenced to hard labor in the penitentiary of the State of Georgia, ought to be reversed and annulled. And this Court, proceeding to render such Judgment as the said Superior Court of the State of Georgia should have rendered, it is further ordered and adjudged that the said Judgment of the said Superior Court be, and hereby is reversed and annulled; and that Judgment be, and hereby is, awarded that the special plea in bar, so as aforesaid pleaded, is a good and sufficient plea in bar, in law, to the indictment aforesaid, and that all proceedings on the said indictment do forever surcease, and that the said Samuel A. Worcester be, and he hereby is, henceforth dismissed therefrom, and that he go thereof quit without day. And that a special mandate do go from this Court to the said Superior Court, to carry this judgment into execution.

March 5, 1832.

From "The Friend."

*The Indian Languages and Pennsylvania History.*

(Continued from page 222.)

Heckewelder's "Historical Account" of the Indians of Pennsylvania, which forms a large portion of the volume we have been considering, is entitled to all credence. Efforts were made by the North American Review, about the time of its appearance, to discredit its accuracy; but our knowledge of the excellent opportunities of the venerable individual, joined to his irreproachable character, has sustained him against all attacks. No one who will read the able vindication of it by William Rawle, and the fervid and eloquent tribute of Roberts Vaux, another diligent inquirer, to the virtues and magnanimity of the Indians, will believe that the picture is too leniently drawn, or too benevolently coloured. Heckewelder viewed the Indians in a very favourable light. He has given instances of kindness so disinterested, of generosity so noble and chivalrous on the part of the uncorrupted Indian, as to excite our admiration, and win our applause. When we read his descriptions of the sincerity and lasting nature of their friendship—their simple-hearted hospitality—and their commanding greatness of mind, we are compelled, in despite of our horror at their cruelty and repugnance to savage life, to deplore their hard fate and to pity their misfortunes. We shall not stay to impeach the doctrine of the imperfect tenure of hunters which a relentless policy now finds it necessary, in all its rigour, to revive against the Southern Indians; but we may be permitted to hope—if indeed they must be driven from the meliorated birth-place of themselves and their fathers—that some regard will be paid to the conveniences and adaptation of the country to be given them in exchange, and that some security will be rendered for its inviolable ownership and perpetual enjoyment. There let the work be resumed which, in Georgia, was impeded and stopped; and let the world at last be convinced that the red man of the American forest is susceptible of the arts

of polished life—that he is endued with a heart and a soul formed after the image of his Maker.

But great as must be the interest attaching to the Indian languages, and the history of Indian life, it is but natural that we should feel a more direct and immediate curiosity, to know the characters and adventures of those by whom they were supplanted and overrun. The difficulties and dangers by which the first settlers of this country were every where surrounded, present a most appalling spectacle. Driven by the iron hand of religious persecution from their native climes, they had to encounter in the new world only another form of danger and rigor, of privation and austerity. In some colonies, the natives, exasperated at their intrusion upon the possessions peaceably enjoyed by their ancestors, crushed them, at once, with the murderous tomahawk. In others they were exposed to constant alarm and incessant peril from the occasional fury with which the Indians would sally forth to rescue their hunting grounds from ruinous innovations. It was reserved for William Penn and his companions to smoke the calumet of peace with the aboriginal owners of the soil. The first care of the founder was to propitiate them by tokens of amity and promises of friendship, which, on no occasion, and under no pretext, were to be forgotten or infringed. This rule of conduct, to which he punctiliously adhered, secured to his province not only an exemption from the hapless fate of some of the sister colonies, but the kindest offices of unsophisticated affection. No act of depredation, authorized by the Indian councils, was committed for a long series of years; and the Quakers who followed their leader to the banks of the Delaware, realized, in their security from the inroads of transatlantic vice and foreign oppression, and in the quiet tenor of an unambitious life, many of the charms ascribed by the sublimated fancy of the poet to the golden age;

Non tuba directi, non aeris cornua flexi,  
Non galæ, non ensis, erant; sine militis usu  
Mollia securæ peragebant otia mentis.

Here, blest with peace, and the fruition of those comforts which toil could procure, they went on soberly prostrating the woods around them, and accumulating the means of future happiness and plenty. This simple and virtuous race of men continued unambitiously to pursue the duties invoked by their new situation, regardless of the splendors and pageantry of the country they had abandoned. It is to such habits, on the part of our worthy progenitors, preserved and transmitted from age to age, that the present thrift and agricultural eminence of Pennsylvania are mainly to be attributed. As they left their native home for a superior possession, it was not to be presumed that political distinctions, a state establishment, or religious intolerance, would enter into the social system. Upon each of these, the proprietary laid his solemn interdict, in a code of laws, universally admired for its justice, its mercy, and its adaptation to the mutual wants and conveniences of social and political man. During his life, though a few malcontents of the provincial assembly contrived to intermingle in the cup of amity and concord some of the bitterness of wrath and the malignity of anger, yet the poison was soon expelled, and quiet, order, and harmony returned. Charges originating in factious motives or aspiring pretensions, were occasionally preferred against him by the leaders of what was styled, at that early period, the popular party. The proprietary saw at one time arrayed against him the subtlety of David Lloyd, urging his relinquishment of the quit rents; at another, the wrangling and bitter spirit of Keith, intent upon estranging the affections of the people by every art which a mind, prolific in objections to the government and teeming with new schemes of religion, could invent. These, however, were but clouds which soon disappeared from the colonial horizon, and left its political atmosphere more tranquil and placid than before. The estrangements to which interested enmity



sometimes succeeded in giving a temporary existence, were mostly the harbingers of an increased reverential attachment. They loved him with the devotion of a parent—they regarded him, in every emergency, as a tried, steadfast, and superior friend. In all their scenes of petty trial—not the less important in their estimation because so in fact—in all their heart-burnings and bitter distress—even while Governor Evans was playing off his mischievous and frightening alarms—the good colonists looked unwaveringly to Penn, as their buckler and their shield. When the equipoise given to the State by his character was withdrawn, the colonial elements became uneven and unsteady; and the re-organization of the old factions, under the titles of the proprietary and popular, was the consequence. Then ensued a scene of angry and continued controversy between the descendants of Penn and the assembly; and charges and recriminations—murmurs of disapprobation upon one side, and sharp menaces upon the other—followed each other in long and uninterrupted succession. The popular party at length found a keen and able champion in Dr. Franklin, who performed, for a long period, a prominent part in the drama of public affairs. About the time of the appearance of his celebrated “*Historical Review*,” distinguished as well for its asperity and injustice to William Penn, as for its great ability in representing existing grievances, the assembly resolved upon petitioning the British crown for a regal instead of a proprietary government. This measure would in all probability have been prosecuted with the utmost ardor, but for the injudicious movements of the English ministry, which now determined the provincialists of Pennsylvania, in concert with the other colonies of North America, to absolve their connexion with the parent country. The war of the revolution terminated the contemptible bickerings which had so long disgraced and distracted her councils; and party jealousy and personal ill-will were thrown into the shade, or entirely swallowed up by the greater passion with which she now felt herself animated. It is to the development of this story, continued through the struggle to which we have just adverted, and following it up to the most recent times, that the volumes of the Historical Society of Pennsylvania are devoted. This is indeed but a bald outline of the objects intended to be displayed. The lives and characters of the original settlers, though not much attended to in the *Memoirs* before us, are particularly comprehended within the design and objects of the association. In a word, to ascertain the truth before the time has elapsed when it is approachable—to elicit facts now the subject of dispute and contradiction—to commemorate the worth and talents of those who either contributed to establish the empire in the beginning, or assisted, at the expense of their blood and treasure, in maintaining her rights since—to fix with precision what she is entitled to on the score of intellectual, literary, and scientific fame—to exhibit her geology, and develop her resources—in short, to explore every section of her natural and artificial history—all enter into the contemplation of the society. What divisions of this immense region of information have been traversed, the volumes published will testify. They have certainly augmented the stock of knowledge relating to Pennsylvania—rectified errors—and removed doubts, which, from the apparent tranquillity with which they were cherished, promised to be perpetual. To specify no others, the proofs adduced as to the locality of the first treaty made between Penn and the natives; the settlement of the question as to the authorship of Washington’s farewell address; the exhibition of that justice which characterized Penn’s commerce with the Indians; the defence of Heckewelder’s history; and the removal of the aspersion against Governor Mifflin, of his participation in the unworthy plot to displace General Washington, manifest a spirit and industry which merit high commendation. But we cannot help esteeming two articles of these volumes with a peculiar complacency,

because, perhaps, they more directly tend to gratify the feverish sensibility or vain-glorious direction of our American feeling on the exciting topic of letters. One relates to our provincial writers generally, under the modest title, “*Notes on the Provincial literature of Pennsylvania*,” by T. J. Wharton, and the other by J. F. Fisher, devoted to our colonial *poets*!

Whatever may have been the intellectual culture and literary taste of the first settlers of Pennsylvania, and the zeal with which science and the muses may have been privately cultivated and invoked, it does not appear that learning was very munificently fostered by the colonial legislature. The founder, it is true, was prompt in complying with the duty which devolved upon him, by a provision in his “*frame of government*,” promulgated before his arrival in the province. He incorporated a body in 1697, under the denomination of “*The Overseers of the public schools*.” The seminaries thus established were confined to the city and vicinity of Philadelphia, and were placed under the superintendence of individuals belonging to the same religious society with himself. The principal academy in Fourth street was able, by the erudition of its teachers, to keep alive a competent knowledge of the ancient classics among a considerable number of the youth of Philadelphia. The incorporation of these schools, however, is the only direct encouragement which learning received, either from the provincial council or the assembly, during the existence of the colonial government, if we except the establishment of the University of Pennsylvania, and the charity school attached to that institution. The former received its charter in 1753, and the latter was chartered and moderately endowed by the proprietaries two years after, though it had existed by private subscription since 1749. But as it would be unjust to deprive the assembly of any of its reputation for public spirit, we must not omit, that, besides two private acts authorizing particular churches to raise small sums of money by lottery, for the erection of school houses, two laws were enacted, one in 1712, and the other in 1730, respectively granting permission to “*all religious societies of protestants*,” to purchase lands and tenements for *schools*, cemeteries, churches, and hospitals. These comprise every act, connected with the subject of education, which can be found upon the legislative records, from the settlement of the province to the revolution.

Lest, however, the assembly should seem wholly to have forgotten the interests of science for so long a period, it may be mentioned that the sum of £200 sterling was appropriated in 1760 to the purchase of a reflecting telescope with a micrometer, and the erection of observatories for noticing the transit of Venus. Two years after, David Rittenhouse experienced their liberality, by receiving the donation of £300, which was voted as a testimony to the genius displayed in the construction of his orrery. The cause of science and letters in the province found a true patron, a munificent contributor, in Thomas Penn, the last surviving son of the founder. He presented to the college of Philadelphia about \$12,000, and one-half of a manor in Bucks county, containing three thousand acres, besides founding and endowing a library at Lancaster.\*

J. R. T.

[To be Continued.]

From the Philadelphia Gazette.

## PROCEEDINGS OF COUNCILS.

Tuesday, April 11, 1832.

SELECT COUNCIL.—Mr. WORRELL presented the annexed petition of George Witman, which was re-

\* Called, in honor of his wife, “*The Juliana Library*.”



ferred to the Paving Committee to take such order as they may think proper.

*To the President and Members of the Select and Common Councils of the city of Philadelphia.*

The petition of the subscriber respectfully represents, that he is desirous of occupying, during the pleasure of the city authorities, a small portion of Beech street, near to the south of Lombard street, upon which to mould some bricks, from clay on his premises, immediately about, and adjacent to said street.

The situation of the street is now, and always has heretofore been impassable from Pine to South street, and he apprehends no individual of the community could be at all inconvenienced, and your petitioner as in duty bound will ever pray, &c.

GEORGE WITMAN.

The following communication from the City Commissioners was received, and so much of it as relates to the curb stones, was referred to the Paving Committee, and the remainder to the Committee of Accounts.

CITY COMMISSIONERS' OFFICE, }  
April 12th, 1832. }

*To the President and Members of the Select Council.*

Gentlemen:—The City Commissioners respectfully submit to Councils, printed statements of their accounts for the first quarter of 1832, together with a list of their receipts for market rents, and miscellaneous receipts; and also of the contracts entered into by them during that period, and a statement of the expense of the new paving done.

They further respectfully state to Council, that frequent complaints are made by the owners of property, of their curb stone being taken up and re-set without their consent, and in cases where the Paving Committee and City Commissioners have given no authority to do so. The Commissioners respectfully suggest to Councils whether it would not be proper to pass an ordinance, prohibiting, under penalty, the setting or re-setting of curb stones unless permission in writing shall be first obtained from the Paving Committee or City Commissioners.

By order of the City Commissioners.

ROBERT H. SMITH, City Clerk.

The annexed communication from the City Clerk was received, and referred to the same committee.

CITY CLERK'S OFFICE, }  
April 12, 1832. }

*To the President and Members of the Select Council.*

Gentlemen:—The City Clerk respectfully submits to Councils, a printed statement of his receipts for entries of hackney coaches, wagons, carts, drays and wheelbarrows; and also for permits for placing building materials during the first quarter of 1832, together with an account of his payments to the City Treasurer during that period.

Respectfully submitted.

ROBERT H. SMITH, City Clerk.

The City Treasurer transmitted a statement of his quarterly accounts, which was also referred to the same Committee.

Mr. DUANE, as chairman of the Girard Committee, made the following report and resolution which were adopted; and Messrs. Neff, Massey, Hood and Sullivan were appointed the committee.

*To the Select and Common Councils of the City of Philadelphia.*

The committee on Girard's Legacy, recommend to Councils the adoption of the following resolution, viz:

Resolved, that a committee of two members of each Council, be appointed to cause Water street to be surveyed and a plan to be prepared for laying out the

same anew, in such manner as that the same shall be as nearly straight as conveniently may be, and of a uniform, or as near as may be uniform width throughout, not less than thirty-nine feet if practicable; and that they be authorized to call to their aid, the City Surveyor, and to employ such other qualified persons as they shall judge proper.

Mr. JOHNSON offered the subjoined resolution, which was agreed upon.

Resolved, by the Select and Common Councils, that the Paving Committee be, and they are hereby requested, to inquire if any, and what alterations are necessary to be made in the existing regulations from Spruce to Chesnut street west of Beech street, to the river Schuylkill.

Mr. GROVES offered the following resolution which was adopted.

Resolved, that the Paving Committee be requested to inquire into the expediency of making the regulation of curb stone when the same is ordered to be re-set, a public charge, and to report by bill or otherwise.

COMMON COUNCIL.—Mr. RYAN presented a petition that Third street between Pine and Union streets be re-paved, which was referred to the Paving Committee, and also that Walnut street west of Broad street be paved, which was referred to the same committee.

Mr. BAKER presented a petition praying that the culvert in Eighth street may be extended from Filbert to Arch street, which was referred to the Paving Committee; and two petitions praying that two Alleys be paved which were referred to the same committee.

Mr. MOSS presented the following petition which was referred to the special committee appointed on that subject.

*To the Honorable Select and Common Councils of the city of Philadelphia.*

The subscribers beg leave to state, that they are about to erect seven or more stores on the east side of Water street, commencing next to the corner of Chesnut street, and extending thence southwardly. That the regulation of Water street authorized by the acts of Assembly, passed the 24th March last, according to the principle suggested by the will of the late Stephen Girard, will probably take several feet in depth from the front of each lot. And as the act declares that it shall be competent to the city authorities to agree with the owners of property, "taken—removed or affected, for the damages thereby to be occasioned," and as the subscribers confiding in the justice of your honourable bodies, are disposed to negotiate in the most amicable manner for the surrender of their property for the public good, they respectfully request that such order be taken as the Councils may deem proper, in order to ascertain and liquidate by agreement the amount that each owner may be justly entitled to, for his ground, thus to be taken and appropriated to public use.

Mr. BAKER, as chairman of the Paving Committee, made the following report and resolution which were agreed to.

The Paving Committee to whom was referred the different petitions for paving and re-paving, report:

That they have viewed the different Streets and Alleys referred to them, and recommend the following resolutions:

Resolved by the Select and Common Councils, That the following Streets and Alleys be graduated and paved under the direction of the Paving Committee and superintendence of the City Commissioners.

	Cubic yards of digging.	Square yards of paving.
No. 1. Acorn Alley, from the present pavement to Spruce street,	47	94
2. Washington street, from		



	Cubic yards of digging.	Square yards of digging.
Eleventh to Twelfth street,	280	840
3. Pine street, from Willow to Schuylkill Front street,	880	2,640
4. Beech street, from Spruce to Pine Street,		1,366
5. Willow street, from Spruce to Locust street,		1,155
6. Lombard street, from Thir- teenth to Bank street,	7,000	14,831
7. Beech street, from Walnut to Chesnut street,		1,473
8. Schuylkill Fifth street, from Chesnut to High street,	699	1,398
9. Schuylkill Fifth street, from High to Mulberry street,	924	1,849
10. Filbert street, from Schuyl- kill Third to Schuylkill Fifth street,	866	2,598
11. Fern street, or Jones's alley, from Schuylkill Seventh to Schuylkill Eighth st.,	60	352
12. Vine street, from Schuylkill Front to Schuylkill Eighth street,	4,580	9,160
13. Schuylkill Seventh street, from Vine to Sassafra- s street,	946	1,895
14. Barker street, from Schuyl- kill Seventh to Schuylkill Fifth street,	770	1,155
15. Cherry street, from Broad to Schuylkill Eighth st.,	400	880
16. Mulberry street from Schuyl- kill Fifth to Schuylkill Sixth street,	396	1,584
	<u>17,849</u>	<u>43,270</u>

*Resolved, by the authority aforesaid,* That the Paving Committee, in conjunction with the City Commissioners, be authorized to contract with any person or persons for labor and materials for the completion of the above items, in whatever way may in their opinion appear best for the public interest.

Mr. HORN, as chairman of the Committee on Markets, made the following report and resolution which were adopted.

The Committee on Markets to whom was referred the petition of the Chester County Farmers, beg leave to report: That in their opinion it is inexpedient for Councils to grant the request of the petitioners, namely the repeal of part of the Ordinance of December 23, 1831, and recommend the adoption of the following resolution:

*Resolved,* That the Committee be discharged from the further consideration of the subject.

Mr. BAKER, as chairman of the Committee to whom was referred the application of David E. Shapley, made the annexed report and resolution which were agreed to.

The Committee to whom was referred the application of David E. Shapley, report: That they have taken the said application into consideration and are of opinion that the price and length of time that are asked for, by said Shapley, would be no inducement for Councils to contract for any portion of said ground, and offer the following resolution:

*Resolved,* That the committee be discharged from further consideration of the subject.

Mr. HORN, as chairman of the Library Committee, made the following report and resolution which were laid on the table.

"The Committee on the Library to whom were refer-

red a communication from Mr. SAMUEL HAZARD, requesting the aid of Councils in behalf of a weekly paper conducted by him, entitled 'THE REGISTER OF PENNSYLVANIA,' respectfully REPORT: That the object of the work as stated by Mr. HAZARD, is 'to collect and preserve all facts and documents which may be wanted for use or as materials for a history of the State. And that with this object in view, a large portion of each volume is devoted to the city of Philadelphia, and contains the Proceedings of Councils, and all important Reports and other documents relating to the City and its institutions, as well as tabular views of its finances, expenditures, &c.'

The Committee have carefully examined the volumes already published, and have no hesitation in saying that in their opinion the important and interesting object proposed has been thus far successfully accomplished. As a depository of rich and valuable information relative to Pennsylvania; the work is entitled to the encouragement of her citizens generally, and as particularly connected with Philadelphia, its annals, and its institutions, it is deserving of the peculiar favor and patronage of the inhabitants of our city. It is suggested too, that without further assistance, the undertaking must terminate with the volume now in progress. From the character of the work, and from the fact that it cannot avail itself of the profits upon which papers open to advertisements usually in a great measure rely, it must receive its sustenance from Pennsylvania, and more especially from the people of Philadelphia, or it must close its existence. Impressed with the belief that it is worthy of patronage, and that as a book of reference, it will at all times be of great utility to the city authorities and officers, the Committee recommend it to the favorable notice of the Councils. The publisher will furnish the eight volumes already completed, at \$3 per volume, bound. The subscription price is \$5 per annum. Two volumes are published in a year.

The Committee submit the following resolutions:

*Resolved,* That the Clerks of Councils be authorized to purchase seven copies of the eight volumes now published of HAZARD'S REGISTER OF PENNSYLVANIA; and to subscribe on behalf of the Corporation for seven copies of the said work continued from the eighth volume.

*Resolved,* That said copies be appropriated as follows, to wit:

One to the Select Council Chamber.

One to the Common Council Chamber.

One to the Mayor's Office.

One to the City Treasurer's Office.

One to the City Commissioners' Office.

One to the Watering Committee's Office.

One to any Department or Board which may be established relative to the Girard Estate."

April 12th, 1832.

The resolution relative to the appointing of a committee to visit the lands of the late Stephen Girard, in Schuylkill county, passed by the Select Council at their last meeting, was called up for consideration, and was passed—Messrs. Sexton and Fritz were appointed the Committee.



From the New York Observer.

## SKETCHES OF PENNSYLVANIA.

PITTSBURG, March 28, 1832.

*Messrs. Editors*—Agreeably to my promise, I send you some notices, geographical, literary and moral, of the State of Pennsylvania, made during my journey from Philadelphia to this city. I ought, however, to say, that there are but few places of importance in this State which I have not visited, and many of them repeatedly, within the last ten years. I mention this fact, because it would be consummate folly and presumption in any one to attempt to give general notices of this State who had only passed from Philadelphia to Pittsburgh in a stage.

Pennsylvania, according to the best calculation, contains 47,500 square miles; and if you examine the map, you will see that few States possess equal geographical advantages. On the east you first have the western side of the rich valley of the Delaware river, whose branches, the Lehigh and Schuylkill, with many smaller ones, flow from the west, taking their rise in the eastern range and spurs of the Allegheny system of mountains. As you look further westward, you have the great and fertile valley of the Susquehanna, which flows down from New York, and whose great tributaries are the Western Branch and the Juniata, besides many of smaller size. The Susquehanna, with its widespread branches, drains a very large part of the State. The basin of the Susquehanna is a mountainous region, intersected with extensive and fertile valleys: whilst its mountains abound in stores of mineral wealth. As you proceed still westward, and take your stand on the dividing ridge of the Alleghenies, which in Pennsylvania is the last but one of the entire range, you see in the western end of the State, the upper end of the valley of the Ohio, composed of the valleys of the Kiskiminetas, which is formed by the Conemaugh, its tributaries, French creek, Toby's creek, and the Monongahela, Youghiogheny, and the Allegheny, with the Loyallhanna.

The productions of this State, which are those of the middle states in general, such as grains of all kinds, cattle, horses, sheep, together with coal, iron, glass, and lumber, &c. find a market through various channels. On the north, by means of the lakes and the Erie and Hudson canal, the Delaware and Hudson canal, and many roads, they seek the city of New York; on the east, they naturally flow towards Philadelphia and the Delaware bay; on the south they find, by natural courses, their way to Baltimore, which is destined to have a very large portion of the trade of central Pennsylvania: whilst on the west the great outlet is the Ohio which flows from Pittsburgh, bearing the productions of West Pennsylvania to New Orleans.

### ROADS AND CANALS.

But great and various as the natural channels of trade are in this State, those which are artificial are adding much to the facilities of commerce enjoyed by the inhabitants. The public authorities of the State have for many years been intently engaged in promoting internal improvements. Two turnpikes have been made from the eastern to the western ends of the State; besides many shorter ones which branch out into various directions.

Many canals have also been undertaken, and some of them are completed. When they are all finished, the natural facilities of trade will have been greatly augmented, as you will readily perceive. These canals are, 1. The Lehigh, improving the navigation along that valley. 2. The Delaware. 3. The Schuylkill. 4. The Union, which joins the Schuylkill river to the Susquehanna. 5. The Susquehanna, up along the east or rather North Branch. 6. The West Branch of the Susquehanna from Northumberland to Lycoming county.

7. The Juniata, which is a part of the great canal chain that is to unite the eastern part of the State with the western. 8. The corresponding part on the west of the mountains down the Conemaugh and Allegheny, from Johnstown to Pittsburgh. 9. The canal uniting French creek to Lake Erie. 10. The Beaver canal.

A rail-road, of 40 miles in length, is building across the Allegheny or dividing ridge from Johnstown to the Juniata canal, which will complete the great line from east to west. Besides, the Chesapeake and Ohio canal will probably terminate on the Monongahela or Youghiogheny, and so benefit the south-western angle of the State, which is already improved by the national road from Cumberland to Zanesville in Ohio, or rather to St. Louis, where it is to end. In addition to this, a rail-road is making from Philadelphia to Columbia on the Susquehanna, whilst another from the latter place is to continue to Baltimore.

Although the Allegheny range of mountains crosses the central part of this State, and occupies much of its surface, yet few states in the Union have so much fertile land. Agriculture is carried on to great perfection in Pennsylvania, especially in the eastern part of it. I have seen no part of our country where I had rather spend my days than in some of the valleys of the Allegheny mountains. The road from Philadelphia, through Lancaster, Harrisburg, Chambersburg, Bedford, &c. crosses several of these valleys. That in which Carlisle, Chambersburg, &c. stand, and which is called Cumberland Valley, and in Virginia, the Great Valley, is a delightful region, possessing great fertility. Many of the smaller valleys, such as Penn's Half Moon, Ligonier, &c. are beautiful.

This State abounds in flourishing towns, which stand along the rivers, or the great roads, and have in general a good society. Among these may be reckoned, Easton, Reading, Norristown, Bethlehem, Lancaster, Harrisburg, Columbia, York, Gettysburg, Carlisle, Mercersburg, Chambersburg, Lewistown, Huntingdon, Northumberland, Bellefonte, &c. in the eastern and middle parts of the State; and Pittsburgh, Washington, Brownsville, Uniontown, Meadville, and Erie, in the west. Philadelphia is the great commercial capital, and Harrisburg, a beautiful town on the eastern bank of the Susquehanna, 100 miles west of Philadelphia, is the seat of government.

Some idea of the extent of the improvements which are in progress in this State, may be formed from the fact, that when they are accomplished, it is calculated that they will cost at least \$20,000,000.

### COLLEGES, THEOLOGICAL SEMINARIES, ACADEMIES, &c.

I wish I could give you as flattering an account of the efforts made in this state to advance the education of the people. Until very recently, nothing was done to provide a common school system for the state. Within a year, however, the Legislature has commenced the foundation of a school fund. There is at present much excitement among the intelligent portion of the inhabitants on this subject. It is greatly to be feared that they will initiate the worst school system in New England, that of Connecticut—that is, aim at having a vast school fund, instead of raising by annual taxation the amount needed. It has been ascertained that many thousands of the children of this state are growing up without education.

As regards colleges, there is no want of them. Too many have been chartered by the Legislature, and none of them endowed as they ought to be. There are, 1. The University of Pennsylvania, at Philadelphia, the Academical department of which is now doing pretty well, and the Medical, as is well known, is flourishing. 2. A college chartered at Easton, which never did any thing. 3. At Lancaster, which is now dead. 4. At Northumberland, also dead. 5. Dickinson College at Carlisle, now breathing its last, it is to be feared. This



ill-fated college has often promised well; has been considerably aided by the state, but has disappointed, for reasons unknown to me, the hopes of its friends. 6. Western University of Pennsylvania, at this place, (Pittsburg,) which is under the instruction of the Rev. Drs. Bruce and Black, and which has 50 or 60 students. 7. Washington college, at the town of Washington, lately revived and now flourishing. It has a department for the education of clerks, teachers, &c. in the English branches. 8. Jefferson College, at Canonsburg, very flourishing. 9. Meadville, which is under the presidency of Rev. Mr. Alden, but has hitherto accomplished but little. 10. Madison College, at Uniontown, under the Methodists.

As to Theological schools, there are as follows: 1. The Theological Seminary of the Lutheran church, established at Gettysburg, under the instruction of Professors Hazelius and Schmucker. It is flourishing, and has at present about 50 students. This institution is destined to exert an immense influence on the cause of Christ in this state, and other states which have a German population. 2. German Reformed, established at York. This institution is in its infancy, and is struggling through many difficulties. It has but few students yet. 3. The Theological Seminary at Alleghenytown in the vicinity of this place, under the care of the General Assembly of the Presbyterian church. It is conducted by Professors Halsey and Nevin, and has at present 30 students. Its prospects are encouraging. 4. The Theological school of the Associate Reformed church, or as it is called here, the *Union* church, embracing that part of the *Associate Reformed* church which in the West refused to unite with the General Assembly in 1820. The late Dr. Riddle of this vicinity was their Professor for several years. Very recently, the Rev. Mr. Pressly of South Carolina was appointed to this office. He has removed to Pittsburg, which is to be the place of the establishment of this infant school of the Prophets. 5. The Theological school of the *Associate* church, established at Canonsburg, under the instruction of the Rev. Dr. Ramsay. It has some connexion, I believe, with Jefferson College; probably only so far as to allow the Theological students access to the Library, &c. of the College. 6. The school of the Moravians, or United Brethren, at Nazareth, which, although mainly a boarding school for other purposes, has also a considerable number of young men who are studying Theology.

I ought to mention here that besides the colleges and theological seminaries in this state, there are also academies for the instruction of the youth of both sexes in all the large towns in the state. Still it is to be acknowledged that this state is far behind what it ought to be as it regards the subject of education. But it will not always be so. Many difficulties have to be encountered. A vast proportion of the foreign emigrants to Pennsylvania, were German and Irish, and these generally from the poorest and most ignorant classes of those worthy nations. And as they form a full moiety of the population of the state, and have in many instances, but low ideas of the importance of education, although many of them are now very wealthy, it is difficult to bring the public councils up to a work which is not yet very popular.

But a better day is arising. Many spirits are kindling up on the subject of education. My native state will not always be the *Bæotia* of the United States. No state has more public spirit or political integrity both in the state and the national legislature. On all great national measures, and especially such as concern national *faith*, the representatives of this state will be found honest and firm men, whatever may be their party views. They seldom follow leaders *blindly*. Pennsylvania is about to do more to put down the lottery system in this country than any other state in the Union. The people have been abused by those to whom they inconsiderately granted the privilege of es-

tablishing lotteries; and now they are rising in their might to destroy, root and branch, this great, this widespread curse. But I must stop.

I am, yours, &c.

A TRAVELLER.

From the Pittsburg Gazette.

Forty-six years ago, the late Judge Brackenridge, in the first number of the Pittsburg Gazette, commenced his contributions, and continued them with indefatigable assiduity for many years. Time has passed on, and the "Native of the Ohio," the son of this early correspondent, has again become a resident of the fields of his youthful days. We gladly receive this first communication of the "gifted son of a gifted sire," and flatter ourselves with the hope, that the assiduity and perseverance of the *present*, will equal that of the *first* correspondent of this paper.

To the Editor of the Pittsburg Gazette:

I have lately read, with great pleasure, the beautiful and classic remarks of my much esteemed school-fellow William Robinson, Esq. in relation to the rapid growth of our native town of Pittsburg. Having occupied some leisure moments in preparing a narrative of the more remarkable incidents of my life, down to the taking possession of Florida, where I acted as Secretary of General Jackson, the same ideas as those expressed by W. Robinson, suggested themselves, but it would not be possible for me to express them in the same felicitous manner. There may be some error in my description, for it even goes beyond the period when his father was the only person who lived between the Allegheny river and the lakes. I send you an extract from my *future* book.

II. M. BRACKENRIDGE.

EXTRACT FROM THE MS. MEMOIR OF THE NATIVE OF THE OHIO.

"Pittsburg, at this time, was but a village. Two plains, partly commons, embraced the foot of Grant's hill, that which stretched along up the Allegheny, being much the longest; while the scattered town lay principally on the bank of the Monongahela, near the junction of the rivers. On the bank of the Allegheny, at the distance of a long Sunday evening's walk, stood Fort Fayette, surmounted with the stripes and stars of the old thirteen; and from this place, the King's orchard, as it was called, (and it was worthy of a king,) stretched almost to the ditch of old Fort Pitt, the name by which the town was then known. On the other side of the river just mentioned, the hills rose, rude and rough, without the smoke of a single chimney to afford a rhyme for the muse of Tom Moore. The clear and beautiful Allegheny, the loveliest stream that ever glistened to the moon, was still the boundary of civilization, for all beyond it was called the Indian country, and associated with many a fireside tale of scalping knife, hair breadth escape, and all the horrors of savage warfare.

On the Monongahela side, the hills rose from the water's edge, to the height of a mountain, with some two or three ferry-houses squeezed in between it and the river. On its summit there was a solitary farm-house of Major Kirkpatrick; its friend, the barn, not long before, had been burnt down by the heroes of the Whiskey Insurrection, and this, happening in the night, threw so brilliant a light over the town, that one might see to pick up a pin in the street. How would it do—*en passant*, to erect a huge gas light lamp up there, for the purpose of lighting the town?—To the east, for I am now supposed to be standing on the brow of GRANT'S HILL, the ground was picturesque, and beautifully diversified with hill and dale, having undergone some lit-



the change from the state of nature. The hill was the favorite promenade, in fine weather, and on Sunday afternoon. It was so essential to the comfort and recreation of the inhabitants, that they could scarcely form an idea of a town, without its Grant's hill. There was a fine spring half-way to the summit, which was supposed to afford better water than that of the pumps; some even thought it possessed of medicinal properties, which might be the case, after an afternoon's walk, and the toil in overcoming the steep ascent.

What a change in the appearance of Pittsburg since that day!—since the time, when I used to roll over and over on the smooth velvet side of Grant's Hill.

Fugit interea, fugit irrevocabile tempus—Yes, that beautiful hill itself, which might have continued to enjoy a *green* old age, has been prematurely murdered, and cut to pieces by barbarous hands! The shallow pond at its base, where we used to make our first attempt at skating, has been wickedly, and wilfully filled up, and is now concealed by brick buildings; the croaking of the town frogs having given way to noisy men. What is passing strange, as if in mockery of nature, the summit of the hill is half covered by an enormous reservoir of water, thrown up there from the Allegheny by means of *infernal machines*, enough to frighten the ghosts of a thousand hills; while the remainder is occupied by a Cathedral church. What is still worse, the hill itself has been perforated through and through, and a stream has been compelled to flow there, at an expense and labor that would have deterred a Roman Emperor—streets have been cut in the side of the poor hill, as at Pompeii, in Italy, and perhaps, hereafter, houses will rise up along them, like those of the Cowgate, in Edinburgh, thirteen stories on one side, and a half a story on the other. It would fill a volume to enumerate the changes produced in a quarter of a century, in which comparatively short space of time, a small village has grown into a large city, possessing extensive capital, commerce, and manufactures."

#### STAGING—NORTHERN ROUTE.

We are gratified to state that the infatigable and able head of the Post Office department, Major Barry, has yielded to the wishes of the people, and made such an additional allowance to the enterprising mail contractors, *Colder & Wilson*, as to enable them to run through their fast line daily, from Philadelphia to Bellefonte.

This daily line leaves Philadelphia in the morning, and arrives at Bellefonte early in the afternoon of the second day, affording an opportunity to the citizens of Bellefonte, and vicinity, to examine their correspondence, and answer letters by the returning mail of next morning.

The accommodation stage on the northern route, established particularly for the convenience and accommodation of those who do not wish to travel after night, leaves Lewistown at 7 o'clock in the morning for Harburg; and for the west at 5 o'clock.

It is confidently expected that the present contractors for carrying the mail from Bellefonte to Erie will exert themselves to improve the staging on that route; which will add much to the reputation of that line, and cannot fail to increase travelling upon it.—*Eagle*.

#### HOSPITAL FOR THE BLIND AND LAME.

The corner stone of the "Hospital for the Blind and Lame" was laid on Monday last. The edifice is to be raised in pursuance of directions made in the last testament of JAMES WILLS, Esq. whose beneficent bequest for such an institution is well known.

The edifice is to be erected opposite to the public square in Race street, near Schuylkill Fourth street and the Orphan Asylum. A copy of the will, this Gazette of Saturday last, and the morning papers of the day, were enclosed in a bottle, hermetically sealed, and

placed in the corner stone;—together with the following memorandum or inscription:—

"Founded by the bounty of James Wills, who died in this city on the 22d day of January, 1825—bequeathing by his will the residue of his estate for the construction and support of an Hospital for the indigent Blind and Lame.

Erected by the Mayor, Aldermen and citizens of Philadelphia, under the direction of a Committee of the Select and Common Councils, composed of the following members, viz:

William J. Duane, John R. Neff, and  
Joshua Lippincott, Daniel Grover,

Of the Select Council, and

John Moss, Silas W. Sexton, and  
Lewis Ryan, John M. Hood,

Of the Common Council.

Thomas N. Walter—ARCHITECT.

Nathan P. Sullivan—CARPENTER.

William Ingram—MASON.

Joshua Andrews & Son—BRICKLAYERS.

Garrigues & Sailor—STONE CUTTERS.

Benjamin W. Richards, being Mayor of the City.

George Wolf, Governor of the State of Pennsylvania, and

Andrew Jackson, President of the United States.

This corner stone was laid on the 2d day of April, 1832, at 10 o'clock, A. M."

The following address by John Moss, Esq. of the Common Council, was made on the laying of the stone. The speaker did not overrate the blessings which will result from the institution. Time alone will develop the good which it will confer upon that unfortunate portion of the community, for the alleviation of whose miseries it is especially designed. It may be the place where some opthalmic remedies may be discovered, or improved,—or where some nice exposition of medical science may arise of incalculable benefit:

"GENTLEMEN:—We have assembled here this day to lay the corner stone of an edifice destined for the Asylum for the indigent Blind and Lame.

We are indebted to the benevolence of the late JAMES WILLS for this shelter from the storm, and quiet retreat for those, who are shut out from the light of heaven; and to whom even the earth has denied a pleasant habitation.

So quiet and unobtrusive were the habits of the founder of this institution, that he was almost unknown to his fellow citizens, but in the way of private charities; here his heart and his purse always expanded to the crying of the poor, and the sighing of the needy, and the true objects of charity never went empty away.

In the year one thousand eight hundred and twenty-five, he entered upon that glorious reversion held in reserve for all good men; and given to them in perpetuity. And although during his life he was but little known, in ages yet to come, many a blessing shall fall from tottering frames, and faltering lips, for his godlike gifts; and at his name, eyes, though they cannot see, shall weep for gratitude, and wounded hearts shall leap for joy.

Now may that Great Being who overthrows all human greatness, and treads to dust the proudest workmanship of his hand, condescend to bless this work—soothe every carc, and cause the children of sorrow here to forget their woes, and the aching restless head, here to repose in peace."—*Phil. Gaz.*

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# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. IX.—NO. 17. PHILADELPHIA, APRIL 28, 1832. NO. 226.

## TITLES OF ACTS, OF A PUBLIC NATURE,

PASSED SESSION 1831—32.

2. An act to incorporate the town of Landisburg, in the county of Perry, into a borough, and to appoint trustees for the public school-house therein.

6. An act to authorize the opening of Exchange alley in the city of Pittsburg, on certain conditions.

7. A supplement to the act, entitled an act concerning strays.

8. An act appointing trustees for the Providence preparative meeting, of the society of Friends.

9. An act authorizing the inhabitants of Lower Saucon township, in the county of Northampton, to elect four supervisors of the roads.

11. A supplement to an act, entitled an act reviving an act incorporating the borough of Waynesburg, and changing the name thereof to Waynesboro', approved the twenty-fifth January, one thousand eight hundred and thirty-one.

12. A supplement to an act, entitled an act to authorize the Governor to incorporate a company for opening a lock navigation on Neshamony creek, in Bucks county, from the tide-way to Bridgetown, on said creek; passed the twenty-sixth March, eighteen hundred and fourteen.

13. An act for erecting Christ Church and Saint Peter's Church, in the city of Philadelphia, into separate corporations.

14. An act relating to the minister, trustees, elders, and deacons, of the German Reformed congregation in the city of Philadelphia, in the province of Pennsylvania.

15. An act to open and improve part of a state road from Samuel Hill's, in Greene county, Pennsylvania, to Middlebourne, Virginia.

16. A supplement to an act, entitled an act erecting the towns of Allegheny, Birmingham, Franklin, and Northumberland, into boroughs, and to give effect to the act incorporating the borough of Elizabethtown, in the county of Lancaster.

17. An act authorizing the laying out of streets and roads in the township of Passyunk, in the county of Philadelphia.

18. An act authorizing the commissioners of Berks county to build a toll bridge over the river Schuylkill, at Medler's ford, where the road crosses the said stream, leading from Bern to Reading.

20. A supplement to the act, entitled an act for laying out certain state roads in Schuylkill, Northampton, Butler, Luzerne, Lycoming, Chester, and Bucks counties, and for other purposes.

21. An act authorizing the commissioners of the internal improvement fund to apply certain moneys to the payment of interest.

22. An act directing the time of closing the reports and accounts of the canal commissioners, and the reports of the commissioners of the internal improvement fund.

23. An act relative to the Belmont and Easton turnpike road.

26. An act vacating and laying aside Blackberry alley, in the city of Philadelphia.

27. An act authorizing the burgesses and assistant

burgesses of the borough of Frankford, in the county of Philadelphia, to appoint a corder of wood.

28. An act authorizing the commissioners of Berks county to build a toll bridge over the river Schuylkill, at Poplar Neck.

29. An act to extend the time for completing the Washington and Pittsburg turnpike road, and to legalize the appointment of treasurer by the board of managers.

33. An act authorizing the Governor to incorporate the Williamsburg, Martinsburg, and Bedford turnpike road company.

34. An act establishing the boundary line between Venango and Jefferson counties.

35. An act relative to the election of auditors in the borough of Allegheny, in the county of Allegheny.

36. An act authorizing the erection of a bridge over Raccoon creek, on or near the dividing line of the counties of Washington and Beaver.

38. A supplement to an act to protect the property of the mayor, aldermen, and citizens of Philadelphia, at Fair Mount, and to preserve the purity of the Schuylkill water.

39. A supplement to the act, entitled an act for the relief and employment of the poor of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties, and Penn.

40. An act to provide for the inspection of Tobacco for the port of Philadelphia.

42. An act to authorize the judges of the court of Common Pleas of Centre county, to receive proof of the purchase and payment of the purchase money of a certain tract or lot of land in Lamar township, in said county, by a certain David Watson, and for other purposes.

46. A supplement to an act, entitled an act to empower the board of health to purchase and hold certain real estate, and for other purposes.

47. A further supplement to the act, entitled an act for securing the city of Philadelphia and the neighborhood thereof from damages by gunpowder.

48. An act to incorporate the Pittsburg navigation and fire insurance company.

49. An act declaring certain parts of Matthews run and Spring creek, in Warren county, public highways.

51. A supplement to an act, entitled an act to regulate inns and taverns, passed April seventh, eighteen hundred and thirty.

54. A supplement to the act, entitled an act authorizing the Governor to incorporate the Codorus navigation company.

55. A supplement to an act, entitled an act to incorporate an academy or public school in the town of Warren, and for other purposes therein mentioned; passed the 2d day of April, 1822.

56. A supplement to an act, entitled an act to increase the county rates and levies for the use of the commonwealth; passed the twenty-fifth day of March, Anno Domini, 1831.

57. A further supplement to an act, entitled an act to provide for the education of children at the public expense within the city and county of Philadelphia.

58. An act relative to the courts in Westmoreland county.



59. An act granting aid to Jefferson college.
60. An act authorizing compensation for damages done by certain state roads.
63. A supplement to an act, entitled an act to extend the charter of the bank of the Northern Liberties, and the charter of the Monongahela bank of Brownsville.
64. An act authorizing the Governor to incorporate the Philadelphia and Trenton rail-road company.
65. An act to attach a certain island in the West Branch of the river Susquehanna, now owned by George Porter, to Clinton township.
67. A supplement to an act, entitled an act authorizing the Governor to incorporate the Bald Eagle and Nittany Valley turnpike and rail-road company.
68. A further supplement to an act, entitled an act to incorporate the Danville and Pottsville rail-road company, passed on the eighth day of April, in the year eighteen hundred and twenty-six.
69. An act supplementary to an act to authorize the Governor to incorporate a company for erecting a permanent bridge over the river Susquehanna, at or near Harrisburg, in the county of Dauphin, and a further supplement to the several acts incorporating a company to make a turnpike road, from the northern termination of the York and Conewago turnpike road, to the west end of the Harrisburg bridge.
71. An act to alter the time of holding courts in certain counties, and providing for making indexes to certain records in Montgomery county.
72. An act to incorporate the Pennsylvania coke and iron Co.
73. An act supplementary to an act relative to the building of certain bridges over the Monongahela and Allegheny rivers, opposite Pittsburg.
74. A further supplement to an act, entitled a supplement to an act to authorize the Governor of this commonwealth to incorporate a company for the purpose of making and erecting a bridge over the river Susquehanna, in the county of Lancaster, at or near the town of Columbia, passed the twenty-eighth day of March, one thousand eight hundred and nine.
75. An act authorizing a temporary loan for the payment of the expenses of necessary repairs on the Pennsylvania canal.
76. An act to incorporate the Franklin rail-road company.
77. An act authorizing the inhabitants of Antrim township, in the county of Franklin, to elect four supervisors of the roads.
78. An act to incorporate the York and Maryland line rail-road company.
79. An act relating to the width of Callowhill street.
80. An act relating to Registers and Registers' courts.
81. An act relating to constables and supervisors in certain townships and boroughs.
82. An act allowing appeals to owners of unseated lands in certain cases therein mentioned.
83. An act requiring the State Treasurer to make an annual report on the subject of finance.
84. An act to authorize the Governor to incorporate a company to erect a bridge over the Monongahela river at Williamsport.
85. An act relative to the Robbstown bridge company, and the Phillipsburg and Juniata rail-road company.
86. An act to incorporate the Philadelphia Exchange company.
87. An act to incorporate a company for erecting a bridge over the river Schuylkill and canal, at the town of Manayunk.
88. A supplement to an act to provide for the erection of a house of employment and support of the poor in the county of York.
89. An act vesting the rights of this commonwealth to the escheated estate of Joseph Dicks, deceased, in James Dicks and others.
90. An act to repeal part of the 29th section of the act for the recovery of debts and demands under one hundred dollars, passed March 20, 1810, so far as respects Bullskin township, Fayette county.
91. A supplement to the act to enable the Hebrew congregation, known by the name and style of "Kaal Kadosh Mickve Israel," of the city of Philadelphia, to lease on ground rent a lot of ground in the city of Philadelphia belonging to said congregation, and the relief of the Logonian library, passed April 14, 1828.
93. An act to enable the mayor, aldermen and citizens of Philadelphia, to carry into effect certain improvements, and to execute certain trusts.
96. An act to establish the district court for the city and county of Philadelphia, and for other purposes.
97. An act to authorize the mayor, aldermen and citizens of Philadelphia, to erect a guard pier and ice-break at the foot of Coates street, near Fair Mount water works.
99. An act relating to orphans' courts.
100. An act to incorporate the Delaware Water Gap bridge Co.
101. An act to authorize the chief burgess and second burgess of the borough of Sunbury, Northumberland county, to execute a deed to Charles G. Donnel for certain real estate in said borough, in compliance with an ordinance of said corporation.
102. An act relative to the Pennsylvania canals and railroads.
103. A further supplement to the act to endow the House of Refuge, and for other purposes, passed March 2, 1827.
104. An act relative to real estate, and vesting the rights of this commonwealth by reason of escheat, to the personal property of James Foster, in Elizabeth Somers.
106. A supplement to an act to authorize the Governor to incorporate the president, managers and company, of the Lackawaxen turnpike road, passed 17th January, 1828.
107. A further supplement to an act to regulate fisheries in the river Susquehanna and its branches.
108. An act to incorporate the Moyamensing Bank in the county of Philadelphia.
109. An act to erect the towns of Lewisberry, Martinsburg and Claysville, into boroughs.
110. An act relative to the settlement of the accounts of the supervisors of the highways and overseers of the poor in the county of Bedford, and relative to the poor in the township of Roxborough, Philadelphia county.
111. A supplement to the several acts incorporating the Northern Liberties and Penn township rail-road company, the Mine Hill and Schuylkill Haven rail-road company, the president and managers of Danville and Pottsville rail-road company, the Little Schuylkill navigation rail-road and coal company, the Mount Carbon rail-road company, the Little Schuylkill and Susquehanna rail-road company, and the Schuylkill valley navigation and rail-road company, and the several supplements thereto.
112. An act to erect the town of Warren, in the county of Warren, into a borough, and for other purposes.
113. An act to incorporate the Girard bank in the city of Philadelphia.
- \* 114. An act to establish the Western bank of Philadelphia.
- \* 115. An act to incorporate the Manufactures and Mechanics Bank of the Northern Liberties, in the county of Philadelphia.
115. A supplement to the act to enable the mayor, aldermen and citizens of Philadelphia, to carry into effect certain improvements, and to execute certain trusts.
116. A supplement to an act authorizing the Governor to incorporate a company for making a turnpike road from the borough of Muncy, through Hills Grove and



Eldredville, in Lycoming county, to intersect the Berwick and Newtown turnpike, at or near Towanda creek, in Monroe township, Bradford county, passed February 23d, 1831, and for other purposes.

117. An act further to extend the provisions of an act relative to the patenting of lands, passed 8th April, 1829.

118. An act authorizing the trustees of the Methodist Episcopal church in the borough of Williamsburg, in the county of Huntingdon, to sell and convey certain real estate.

119. An act to incorporate a company for making a turnpike road from a suitable point on the Somerset and Bedford turnpike road to the Maryland line, in the direction of Cumberland, and a company to make a turnpike road from Philadelphia and Great Bend turnpike, at or near the house of Jeremiah Clarke, to the Susquehanna, in Exeter township.

120. An act for the relief of Baryl and Henry, contractors on the Juniata division of the Pennsylvania canal.

121. An act for the relief of David Leech.

122. An act for the relief of Henry Harmonie, and David Wolf, late supervisors of Fannet township, Franklin county.

124. An act vesting the rights and title of the commonwealth to a tract of land in the Reformed and Lutheran congregations of the township of Lehigh, in the county of Northampton.

126. A supplement to the act relative to the Pennsylvania canals and rail-roads, passed 30th March, 1832.

127. An act supplementary to the act to alter the act for erecting the town of Easton, in the county of Northampton, into a borough, and for other purposes.

128. A supplement to the act to provide for the erection of a house for the employment and support of the poor in the county of Schuylkill, passed 4th April, 1831.

129. A further supplement to the act to enable the Governor to incorporate a company for making an artificial road from Jersey Shore, in Lycoming county, to Coudersport, in Potter county.

130. An act to incorporate the Adams county rail-road company.

131. An act to incorporate a company to erect a toll bridge over the Swatara creek, opposite the centre square of Hummelstown, in Dauphin county.

132. An act to incorporate the Berry's Mountain turnpike road company.

133. An act to incorporate the Northampton Horse Insurance company, for the insurance of the lives of horses, and the detection of horse thieves.

134. An act to incorporate a company to erect a bridge over the river Juniata, at the town of Hollidaysburg, and to incorporate the Leggets Gap rail-road company.

\*135. An act to incorporate the Doylestown bank of Bucks county.

135. An act to incorporate the Niagara Hose company of Philadelphia.

136. An act to incorporate a company to erect a bridge over the Kiskiminetas river at the big dam at the town of Leechburg, in Armstrong county.

137. An act to incorporate the Norristown, Berks and Lehigh rail-road company.

138. An act to incorporate the Philadelphia steam tow boat company.

139. An act to authorize the establishment of a branch bank in the town of Port Carbon, Schuylkill county, and to extend the charters of certain banks.

140. An act to regulate auctions in the city of Lancaster, and other towns in the commonwealth.

141. An act authorizing the laying out a state road from the Allegheny river, at or near Cunningham's ferry, opposite the borough of Kittanning, in Armstrong county, to intersect the Pittsburg and Butler turnpike, at or near the Pine creek nail factory.

142. An act to erect the Gettysburg Gymnasium into a College, and for other purposes.

143. An act to authorize certain alterations in the charter of the United Hebrew Beneficial society of Philadelphia.

145. An act to authorize the laying out and opening of an alley to be called Market alley, in Pittsburg, on certain conditions.

149. A supplement to the act for the establishment of a college at Easton, in Northampton county, passed 9th March, 1826.

150. An act supplementary to the act to incorporate the Philadelphia, Germantown, and Norristown, rail-road company.

151. A supplement to an act to enable the Governor to incorporate a company for making an artificial road by the nearest and best route from the north-eastern branch of the Susquehanna, between the Lower Whopewhawly and Nescopeck creeks, in Luzerne county, to the north side of Nescahoning creek near its entrance into the river Lehigh, passed 19th March, 1804.

152. An act to amend the charter of the Philadelphia Library company.

\*154. An act to incorporate the Philadelphia Typographical society.

\*156. An act to incorporate the town of Pine Grove, in the county of Schuylkill, into a borough.

\*157. An act to incorporate a company for erecting a bridge over the river Schuylkill, at Matson's ford, in Montgomery county.

\*158. An act relating to Edgmont road.

\*159. A supplement to the act reviving the act incorporating the borough of Greencastle, in Franklin county, and for other purposes, passed 28th March, 1820.

\*160. An act relative to the real estate of Nathaniel Newlin, deceased, late of Delaware county.

162\* An act for the relief of John Miller and John Bickel, administrators of John Kendall, deceased; and for the relief of Michael H. Spangler, brigade inspector of the first brigade, fifth division, Pennsylvania militia; and for other purposes.

\*163. An act to incorporate the Philadelphia Lying-in-charity, for attending indigent females at their own houses.

\*164. A supplement to the act to incorporate the Lizard creek and Loyahanna bridge companies, and for other purposes, passed April 1st, 1831.

\*165. An act to incorporate the Asbury Beneficial society of the city and county of Philadelphia.

\*166. A supplement to the act authorizing the Governor to incorporate the Mahanoy navigation company.

\*167. A further supplement to the act to incorporate a company for the purpose of cutting and making a canal between the river Delaware and the Chesapeake bay, and to authorize the clearing of obstructions in the river Susquehanna, down to the Maryland line, and for other purposes.

\*168. An act authorizing the sale of a lot of ground situate in the borough of Easton, in Northampton county, the estate of Rebecca M'Keen, a lunatic, and for other purposes.

\*169. A supplement to the act incorporating the Tuscarora and Cold run tunnel and rail-road company, passed April 6, 1830.

\*170. An act to incorporate a company for making a turnpike road from Honesdale to the Delaware river, at or near the mouth of the great Equinunk creek, in Wayne county.

\*171. An act concerning the administration of justice.

\*173. An act extending the act securing to mechanics and others, payment for their labor and materials in erecting any house or other building within the city and county of Philadelphia, to the counties of Perry, Chester, and Butler.

\*176. An act concerning the administration of justice.

\*177. An act supplementary to an act entitled an act supplementary to the act entitled an act for the establishment of a college at Canonsburg in the county of



Washington, in the commonwealth of Pennsylvania, passed the 7th day of April, 1826.

\* 178. An act dividing the county of Schuylkill into districts, for the appointment of justices of the peace.

\* 180. An act regulating lateral rail-roads.

\* 181. An act to incorporate the Lancasterian school association.

\* 184. An act to incorporate the Phila. Union Beneficial society.

\* 185 A supplement to the act to incorporate the Reading Academy.

\* 186. An act to incorporate the Macphelah Cemetery society of Philadelphia.

\* 187. An act to incorporate the Delaware Fire company of Philadelphia.

\* 188. An act relating to aldermen for the county of Philadelphia.

\* 190. An act to authorize the Governor to incorporate a company for making a turnpike road from Sumney town, to the Perkiomen and Reading turnpike road, at or near the Perkiomen bridge, in Montgomery county.

\* 191. A supplement to the act, entitled an act relative to the expenditure of the road taxes in Fayette county, and for other purposes, passed on the 30th day of March, 1831.

\* 192. An act to exempt the property of the University of Pennsylvania, from taxation.

\* 193. An act authorizing the Governor to incorporate a company to build a toll bridge over the river Schuylkill, between the Black and White horse taverns, in Amity township, Berks county.

\* 195. An act to authorize the Governor to incorporate a company for making a turnpike road from the borough of Pottsville, through Minersville and Carbon-dale, in Schuylkill county, to Daniel Herb's tavern in Northumberland county, and for other purposes.

\* 197. An act to provide for defraying certain contingent and other expenses in the offices of the Auditor General and Secretary of the Land Office.

\* 198. An act to repeal the proviso of the act, entitled an act supplementary to an act relative to the building of certain bridges over the Monongahela and Allegheny rivers, opposite Pittsburg; passed the eighth day of March, Anno Domini, 1832.

\* 199. A further supplement to an act, entitled an act to appoint commissioners to regulate the streets, lanes and alleys in the district of Southwark, and to lay out new streets, lanes and alleys, therein, for the accommodation of the inhabitants, and to lay out the walks therein mentioned, through the said district and parts of the townships of Moyamensing and Passyunk; passed the 29th day of September, one thousand seven hundred and eighty-seven.

\* 200. An act to authorize the laying out state roads in Lancaster and Berks counties, and for other purposes.

\* 201. An act regulating election districts.

\* 202. An act entitled a further supplement to an act for taking lands in execution.

\* 203. An act repealing certain acts concerning state roads.

\* 204. An act authorizing the inhabitants of Passyunk township, to elect directors for the Girard school of Passyunk, to be erected and established, and for other purposes.

\* 205. A supplement to the act, entitled an act relative to the appointment of canal commissioners, passed the sixth day of April, eighteen hundred and thirty.

\* 206. A further supplement to the act entitled an act to regulate fences, and to appoint appraisers in each township in the counties of Northumberland, Westmoreland, Washington and Fayette, and to encourage the raising of swine, passed the twenty-seventh day of March, seventeen hundred and eighty-four.

\* 207. An act to incorporate certain beneficial societies.

\* 208. An act to encourage the destruction of foxes in the counties of Allegheny, Cambria, York, Mercer, Union, Huntingdon, Luzerne and Schuylkill.

\* 209. An act to incorporate the trustees of the proprietors of Salem township, in Luzerne county.

\* 210. An act to confirm certain surveys of lands returned and excepted in the Land Office.

\* 211. An act providing the mode of settling the accounts of county treasurers, and for other purposes.

\* 212. An act to alter the mode of electing supervisors of the public highways, and township auditors, and for the election of town clerks within the county of Bradford, and for other purposes.

\* 214. An act to incorporate the town of Liverpool in the county of Perry, into a borough.

\* 215. A further supplement to the act entitled, an act for the regulation of the militia of this commonwealth.

\* 217. An act relative to the Hanover turnpike road company, and for other purposes.

\* 218. An act to promote the culture of silk.

\* 219. An act relative to certain state roads, and declaring certain creeks highways, and for other purposes.

\* 220. An act to incorporate the Farmers' Fire Insurance company of Upper and Lower Saucon township, and for other purposes.

#### RESOLUTIONS.

No. 2. Relative to the payment of salaries of the collectors of tolls and lock-keepers on the Pennsylvania canal.

3. Relative to the unexpended balance of the specific appropriation to the Columbia and Philadelphia rail-road.

5. Relative to the Philadelphia and Columbia rail-road.

6. Relative to erecting a bridge over the Delaware river at Columbia Glass manufactory.

7. Respecting the tariff.

8. Relative to the United States Bank.

10. Relative to the Monongahela bridge.

11. Relative to the Susquehanna and Delaware rail-road company.

14. Relative to the claim of James Murry, for compensation for damages upon the western division of the Pennsylvania canal.

16. Relative to the schute in Snyder's mill dam, on Penn's creek.

17. To suspend the daily pay of the members and officers of the legislature during the adjournment.

18. To pay the reward to Steward and Hays for apprehending a fugitive from justice.

19. For the relief of Isaac Griffith, late deputy marshal of the eastern district of Pennsylvania.

20. Relative to the Robbstown bridge company.

21. To pay the reward to Willis H. Blaney, for apprehending a fugitive from justice.

22. Relative to the commissioners for revising the code of Pennsylvania.

† 23. Relative to the record of the appraisers of damages.

† 24. Relative to the claim of Robert Beatty, late inspector of the 2d brigade of the 15th division Pennsylvania militia, and of Peter Ehinger, late captain of the 5th company of the 120th Reg't. Penn. militia, and relative to the trustee of Elizabeth Lyon.

† 25. Relative to the use of the waters of the river Delaware.

\* 26. Authorizing the payment of the funeral expenses of William Musgrave, late state librarian.

† 27. Relative to costs of Thomas Ross, deputy escheator general, and to the escheated estate of Dinal Henderson.

† 28. Relative to collectors and lock keepers on the Pennsylvania canal.

\* 29. Authorizing the canal commissioners to change



the location of the Philadelphia and Columbia rail-road, between the Little and Big Conestoga bridges.

\* 30. Relative to the records of the appraisers of damages.

\* 31. Relative to certain turnpike road companies.

Fifty-five private.

† All marked thus (\*) are *not signed*, in consequence of the indisposition of the Governor; those marked thus (†) are *signed*, but not formally returned.

## HOUSE OF REPRESENTATIVES.

FRIDAY, MARCH 23.

### *Report of the Committee appointed to investigate the official conduct of the Canal Commissioners.*

The Select committee, to whom was referred the petitions of sundry inhabitants of this commonwealth, praying for an investigation of the conduct of the canal commissioners, report:

That they have heard and examined all the evidence exhibited by the petitioners, in support of the two following charges against said commissioners. It was alleged: 1st, That said commissioners had been guilty of gross negligence in not procuring the Shamokin dam to be repaired in the summer and autumn of 1831. 2d. That they exercised undue favoritism and partiality in awarding to Lee and Shriner, a contract for extending the schute of the Shamokin dam, on the 10th day of August last.

In support of these charges, the petitioners proved that the said dam was broken and materially injured by an ice flood, on or about the 6th of March, 1831; that two of the canal commissioners, Messrs. Stevenson and Mitchell, met at Northumberland on the 25th of June, and had the dam examined by Mr. Ferguson, one of their engineers; that soon after, they advertised that proposals for repairing said dam would be received at Wilkesbarre, a distance of sixty miles, until the 20th of July; that people went up to put in proposals, but there was no person there to make contracts. On the 5th of August, Mr. Mitchell came again to Northumberland, and on the 10th made a contract with Doctor Petrikin, which, after some little work was done, was abandoned on the 25th of September; and on the 1st of October a new contract was made with Saxton & Co. They proved also, that between the 1st of June and the 1st of August, new work, in almost every part of the State, was put under contract.

To those unacquainted with all the facts, there might have been strong evidence of neglect on the part of the commissioners, but on examining the whole case, it is clear the petitioners upon this point have no just cause of complaint. The commissioners named in the petitions, James Clarke and John Mitchell, are zealous friends of internal improvement, and have exhibited evidence of uncommon industry and perseverance in the prosecution of their duties.

By the act of 21st March, 1831, the commissioners are directed "to complete the first twenty miles of the Philadelphia and Columbia rail-road, proceeding from Philadelphia westwardly, &c. with the least possible delay;" and by the same act, immense improvements in different parts of the state, and embracing the extreme ends of it, are directed to be immediately laid out, put under contract, and prosecuted with vigor. Uncommon labor and toil were required of them. A few facts only need be stated.

The commissioners found it necessary to allot certain days for the transaction of business in different parts of the state, allowing as little time for travelling as possible. Accordingly, in April, they proceeded to the Delaware division; on the 4th of May they met in Philadelphia; on the 11th at Downingtown; on the 18th at Columbia; on the 25th at Ebensburg, in Cambria county; on the 1st of June at Williamsburg, in Huntingdon

county; on the 13th of June, Messrs. Stevenson and Mitchell, (Mr. Clarke being sick) at Wilkesbarre; on the 25th at Northumberland; on the 29th at Williamsport; on the 11th of July at Franklin, in Venango; on the 19th at Beaver; on the 27th at Pittsburg; and on the 30th at Holidaysburg, in Huntingdon county. It was here they heard that their letter of the 11th of July, directed to the engineer at Wilkesbarre, and his communications to them, had miscarried; and Mr. Mitchell immediately hastened on to Northumberland. On the 5th of August he arrived, and on the 10th made a contract for the repair of part of the dam. It is unnecessary to state the progress of this work. It was pressed on with all possible zeal, by Mr. Mitchell, as his letters and acts clearly prove; and in addition to numerous other difficulties, the waters were unusually high the whole season. Your committee are therefore satisfied that the charge of negligence is not supported.

The 2d charge is that of partiality, in giving to Lee and Shriner a contract for extending the schute of the Shamokin dam.

It appears that James Lee and John Shriner, jr. put in two proposals, which are exhibited to the committee by the superintendent, in the following terms:

1st. For schute, per lineal foot, including all necessary work, coffer dams and excavation, that may be necessary, \$9.

2d. For cribbing the schute, stoning and coffer dams alone, per lineal foot, \$6 50.

M'Carty and Co. made a proposal in the following terms:

For the schute cribbing, stoning and coffer dam alone, \$7 25 per lineal foot.

The contract was given to Lee and Shriner at \$9 per foot, and is expressed in the body of the agreement in these words, to wit: "The said Lee and Shriner engage to furnish all the materials, which shall be in such quantity and of such quality as shall be approved by the engineer on said division, and perform all the labor necessary to construct, in the most substantial and workmanlike manner, the continuation of the schute in the Shamokin dam, connecting with the walls of the present schute, and extending down as far as it may be deemed necessary and directed by the engineer in charge of said division, *including flooring* and all other items of work that may be found necessary to complete the same." Lord Butler, the superintendent, says: "Lee's bid of \$9 a foot was considered best. It settled the whole amount of expense; he could have been called on to clean out gravel and blow out rock, and timber and gravel were removed by Lee." He says: "The *flooring* was dispensed with," it being found "not necessary." Your committee remark that the flooring, if required, would have cost a considerable sum, but they have no means of ascertaining the amount with any precision. They suppose it might have been between 500 and \$1000. The new part of the schute is 332 feet by 60, and would require about 20,000 feet of plank, beside several thousand feet of large timber. Lee and Shriner say, "they took out a good deal of timber, stone, and gravel, from the bottom of the schute. The stone were very convenient, and were used for filling the cribbing; the gravel was boated down to the deep water." The quantity was not stated. "Several boats were employed several days."

Mr. Ferguson, the engineer, stated that "Lee and Shriner's proposal at \$6 50, was for the same work as M'Carty and Co's. at 7 25 per foot;" but that "M'Carty and Co's. proposals were accompanied with some matters not in accordance with the specifications, and he did not see how they could be received." He further stated that "the work done by Lee and Shriner was no more than proposed to be done by M'Carty and Co. for \$7 25 per foot;" that he was not conscious the word "flooring" was in the contract of Lee and Shriner, and he gave the following estimate without noticing that item:



## CANAL OFFICE,

WILKESBARRE, December 20, 1831.

TO ANDREW McREYNOLDS, Esq.

*Supervisor of the Susquehanna Division of the  
Pennsylvania Canal.*

SIR—I certify the following to be a correct return of the quantity of work done by James Lee and John Shriner, jr. contractors for repairing the schute at Shamokin; and that said repairs have been completed according to the contract, to wit: 664 lineal feet of schute, at \$9 per foot, \$5976  
For excavating gravel at tail of schute, and for filling in part of old crib, (at estimate of engineer,) 125

\$6101

From the foregoing facts it is evident the canal commissioners, in the exercise of a sound discretion, were perfectly justified in giving the preference to Lee and Shriner. Their contract covered every thing that was contemplated, and left nothing for extra charges.

But although your committee readily acquit the commissioners from all censure in relation to this charge, yet they are constrained to think there is some defect in the present mode of making contracts and carrying them into execution.

This contract with Lee and Shriner is very comprehensive. It placed the contractors wholly in the power of the officers. The latter could exact from the former an amount of labor that would deprive them of all profit, or by dispensing with some expensive and perhaps useless items, could give them a lucrative job. If this be a specimen of contracts generally, it behoves contractors to be subservient to superintendents and engineers. A breath may make or ruin them.

By the act of 6th April, 1830, "the engineers are to make the estimates of work done for payment;" and by the 3d section of said act, "the superintendent is to settle and pay the accounts of contractors, and return their accounts to the Auditor General for settlement." The canal commissioners are not invested with power of supervision or correction; the estimate is exhibited to the superintendent, who settles his accounts with the Auditor General. If, then, any mistake has been committed in this transaction, upon which the committee do not intend to express an opinion, the commissioners are not chargeable with it.

Your committee are satisfied that the petitioners have not sustained either of the charges submitted to their consideration, and therefore offer the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject.

From "The Friend."

*The Indian Languages and Pennsylvania History.*

(Concluded from page 251.)

To this neglect of common seminaries in the early periods of Pennsylvania, are we to ascribe the present immense difference in mental cultivation, between the indigent and laboring classes of this state, and those of New England. No sooner had the pilgrims landed upon the rock at Plymouth, than they resolved to diffuse the blessings of literary instruction at the public expense, with a liberality, and in a degree which might challenge comparison with any country in ancient or modern times. Indeed, the cause of education must ever flourish when sustained by legislative patronage, especially if offered in a way, and with a delicacy, which forbid rejection. It is far from our present purpose to discuss the question, or insist upon the propriety of introducing a similar system into Pennsylvania.

Suffice it that the conditions and sentiments of the respective people are so widely different, that many arguments might be urged against its adoption. It is alluded to simply as an historical fact, to explain the original cause of that intellectual poverty, which now unhappily distinguishes our labouring poor, and how this might have been prevented by an early compliance with the injunction contained in the "Frame of government."

But notwithstanding the inertness of the assembly, we shall presently see that an uncommon zeal for learning was manifested in the establishment of *private* seminaries; but partly from their situation in the city, and partly from the indigence or parsimony of the people, their benefits were partial, and their operation circumscribed. Usefulness and industry were inculcated by the founder, as the primary duties of a citizen; and it was agreed upon in England, as fundamental law, that there should exist "a committee of manners, education, and arts, that all wicked and scandalous living may be prevented, and that youth may be successively trained up in virtue, and useful knowledge, and arts."

In 1683, the year of Penn's arrival, an elementary private school was established at Philadelphia, under the superintendence of one Enoch Flower. Proud has preserved in his history, a record of his charges, which were only £10 a year for boarding and tuition, a sum hardly exceeding the means of the poorest colonist. A seminary, the principal of those subsequently incorporated, was opened in 1689,—only six years after the arrival of Penn,—for teaching the elementary branches of the mathematics, and something of English and Latin literature. The first teacher of this academy, was the celebrated George Keith, of schismatical and *pamphleteering* memory. From a succession of excellent instructors, this seminary preserves a respectable reputation to the present day. As some evidence of the scientific skill, and literary dispositions of the first settlers of Pennsylvania, it may be mentioned that an almanac was calculated and published at Philadelphia, in 1687, four years after the landing of the founder.\* This, it seems, was the first production of the provincial press. It soon teemed with the fruits of Keith's fecundity, whose enthusiasm for religion in 1689, induced the composition and publication of a tract, against the New England churches—a crusade against Cotton Mather—and, a vindication of the Quakers! Leeds, the calculator of the almanac, having warmly espoused the mutable principles of Keith, undertook his quarrel, and in a treatise published in 1699, soundly rated the unoffending body whose cause his master had once so ably defended.† Indeed, a large portion of the provincial literature of Pennsylvania was spent upon political disputes, and polemical theology, which, though not quite rancorous enough to produce the shedding of blood, were sufficiently angry to consume many bottles of ink. Some of the champions in the former arena were adroit and skilful gladiators. Those of the most celebrity, were Dr. Franklin, Joseph Galloway, John Dickinson, and Dr. Smith, who flourished before and during the revolution. It is, perhaps, to this fondness for political contention, that we are in a great measure to ascribe the early introduction of a newspaper, which was pub-

\* This literary relic is announced in the title page as the production of Daniel Leeds, Student in Agriculture.

† The contents of this treatise may be collected in part from the title page: "A Trumpet sounded out of the wilderness of America, which may serve as a warning to the government and people of England, to beware of *Quakerism*; wherein is shown how in *Pennsylvania* and *there away*, where they have the government in their own hands, they hire and encourage men to fight; and how they persecute, fine, and imprison, and take away goods for conscience sake: By Daniel Leeds."



lished at Philadelphia, under the auspices of Dr. Franklin, in 1741. This is said to be the first *literary* journal ever published in the United States. Our readers will readily excuse our omitting even the names of those who acquired a reputation in the departments of divinity and politics; it is enough to say, that the concerns of church and state proved to be fruitful topics of ingenuity and learning, of acrimony and heat.

It thus appears that two schools and a printing press were established almost before the settlers had time to provide shelter from the inclemency of the weather, and while on every side lay a howling and interminable wilderness. The colony of Pennsylvania being earlier than her sister provinces in the introduction of printing, she may be considered before them in the promotion of literature. In Massachusetts, eighteen years elapsed from the period of the first settlement, before she could boast of a press; seventy years passed in New York without witnessing this engine of refinement; and it was not till a later period, that it was introduced into other provinces. In some of the colonies, most strenuous efforts were made by the agents of the parent country, to prevent the diffusion of knowledge, as injurious to her interests and authority. "I thank God," says Sir Wm. Berkely, in his twenty-third report upon Virginia, sixty-four years after the settlement of that province, "we have no free schools, nor printing; and I hope we shall not have these hundred years. For learning has brought disobedience, and heresy, and sects into the world; and printing has divulged them, and libels upon the government. God keep us from both."

The early writers of provincial Pennsylvania, poetic and prosaic, were numerous. Among them no one is entitled to a more distinguished niche in the temple of fame, than James Logan. He is said to have been a poet in other languages besides his own. A Greek ode has been ascribed to his elegant pen, and it is certain, that he composed playful epistles in Roman numbers. Notwithstanding the activity of his life, having successfully filled the offices of Secretary of the Province, Chief Justice and President of the Council, he found leisure to write several learned treatises in Latin, and to translate into beautiful English the *De Senectute* of Cicero. The memory of Logan must ever be held in the highest estimation for his extensive knowledge and uncommon virtues. His munificence to Philadelphia in giving to it the Loganian library, has embalmed him in the affections of all. To manners the most urbane and conciliating, he united an erudition extensive and profound; an English style purely classical; and a morality at once unyielding and elevated. Latin poetry found a votary in Thomas Makin, the successor to Keith, as teacher in Friends' Academy. His *Encomium Pennsylvaniae*, which appeared in 1728, and his *Descriptio Pennsylvaniae*, published in the following year, describe pretty accurately, in no contemptible hexameters and pentameters, the institutions, productions, and scenery of the province. The names of Ralph, whom the caustic couplet of Pope has immortalized, of Beveridge, Godfrey the younger, Nathaniel Evans, and Elizabeth Ferguson, are all worthy of designation as prose or poetic writers, by no means destitute of merit. A reference to the papers of Wharton and Fisher will convince the most incredulous—not that the *cacoethes scribendi* prevailed to an alarming extent in provincial Pennsylvania—but that it justly claims the merit of possessing a respectable share of taste, in the departments of general composition and fugitive poetry, besides producing the elder Godfrey and a Rittenhouse.

The Memoirs of the Historical Society of Pennsylvania, are chiefly composed of original articles contributed by the members. They therefore relate almost exclusively to some portion of our provincial or *municipal* history, which in the estimation of the writers, had a particular interest or special importance in a historical or biographical point of view. Little of its statistical and still less of its ancient customs and local peculiarities,

enter into the volumes published. These are to be found, and very fully, in the Register of Pennsylvania. The Editor seems to be a devoted antiquarian, and treasures up with fond and scrupulous care, every fact and every anecdote which conversation or reading can collect, illustrative of common and public life. His design seems to embrace every thing, whether small or great, which is necessary to a complete development of the physical and intellectual, the natural and artificial history of Pennsylvania. It is difficult to imagine or refer to any event relating to the transactions of Pennsylvania upon which an accession of light has not been thrown. We cordially commend him for uncommon diligence in the accumulation of rare and curious knowledge.

To this catalogue of productions upon the subject of our domestic annals, must be added the three formal histories by Proud, Gordon, and Ebeling. Of the first we shall say but little. Time has placed it where it properly belongs, to a class of works, the result of honesty and perseverance, which the philosophic historian, the antiquarian, the searcher into minute and insulated events, rejoices to discover. It is excellent as a book of reference—without an intentional error—the reflections sound, though delivered in a style rather soporific—the original documents accurately copied to the letter—the dates unexceptionable—in short, it furnishes a firm basis to a more elegant edifice.

It was the object of Gordon to furnish a history superior to such objections, and altogether worthy of the magnitude of the theme, in felicity of style and purity of language. In an age which has produced a Hallam, a Scott, an Irving, and a Lingard, whose labors have imparted to their respective subjects so great a celebrity, we had a right to expect that a new lustre would be shed upon the events of our domestic history. But for ourselves we may say, that we look in vain for those evidences of taste and knowledge, which mellow and diversify the style, refine and expand the sentiments, and impart to each page the richness, elevation, and maturity arising from long addiction to elegant studies. Gordon has no doubt read extensively as a lawyer, but the exclusive study of professional writers, is unpropitious to grace, elegance, or ease.

Of the excellent history in German, by Ebeling, it is only necessary to say that the style is agreeable and animated, and that it is a subject of surprise and mortification, there is no inducement held out to a translator.\*

A good history of Pennsylvania, including the period of the revolution, should be a matter of very general concern. Proud has nominally brought down his narrative to the year 1770, but it is little more than a chronological series of the most striking events, since 1747; and Gordon's terminates with 1775. Ebeling, it is true, has deduced a history to the year 1802. Though very good as a narrative, it is too succinct and general; and does not invest the story of Pennsylvania, during the revolution, with the interest of which it is susceptible. As the chronicles of this era now extant, do not fill the wishes of the public, it is hoped that a continuous narrative from the earliest periods to the most recent times, will be speedily undertaken. It is discreditable to Pennsylvania, that while numerous memoirs and recollections of the times swell the libraries of the other States, she should be without any thing to remember and relate. A reason indeed exists for some mitigation of this censure. Pennsylvania for a long period, lost more completely than the other states her own individuality in a more intimate connexion with the national struggle, and in being originally the seat of the federal government. A national feeling arose, which rendered her comparatively indifferent to the preservation or accumulation of facts relating exclusively to her own

\* Du Ponceau began the translation of it, but from want of encouragement relinquished the enterprise. Vide 1 Vol. Hazard's Register of Pennsylvania.



sons, or redounding to her municipal reputation. In desiring the want of her revolutionary history supplied, we are not anxious that she should enter the list with those who, of late years, have been contending for the honor of originating the appeal to arms. But she has her own tale, and might give sundry details both curious and instructive. She owes it to herself in vindication against numerous attacks. She owes it to the confederacy as her contingent to a fund of knowledge, common alike to every member. The lives of many of her worthies are but partially known, and some of the most illustrious are mouldering almost without an epitaph. We trust that the task will be undertaken by a pen worthy of its magnitude and splendor; and that while recording its events with independent recklessness and scrupulous honesty, its delicacy and dangers will be remembered and appreciated.

J. R. T.

From the New York Observer.

## SKETCHES OF PENNSYLVANIA—2.

(Continued from page 255.)

PITTSBURG, March 28, 1832.

### STATE OF RELIGION.

*Messrs. Editors*—In the south eastern angle of the state, including the city and county of Philadelphia, and the counties of Bucks, Montgomery, Chester, Delaware and part of Lancaster, the *Friends* are numerous. There are also societies or meetings of this denomination scattered in other parts of the state. I know not their whole number, nor exactly what proportion are Orthodox and what proportion Hicksites, but believe that the denomination is about equally divided. The separation which has taken place between the two parties will prove of great benefit to the interests of vital piety.

The *Methodists* are found in a greater or less extent, in every county in the state; so also are the *Baptists*. I have no means of ascertaining the precise number of either. It is however very considerable. The *Methodists* are much the most numerous of the two.

The German population, which occupies chiefly the middle part of the state, is divided into two principal denominations, viz. the *Lutheran* and the *German Reformed*. Of these, the Lutheran is much the larger. The Lutherans have two Synods, one in East and one in West Pennsylvania. They have a promising theological Seminary at Gettysburg, and religion is looking up among them. Sabbath schools are being established, and revivals have occurred in several of their churches during the last year. I scarcely know a denomination in which I feel a more lively interest than the Lutheran. I believe that God is going to do wonders in it and by it. The German reformed church is also increasing, and the prospects of vital godliness are brightening. Some ministers residing in East Pennsylvania have broken off from this body, and avowed Unitarianism. There are also a few ministers among the Lutherans who are reckoned *neological* in their doctrines, but they have not so avowed them as to have become subjects of discipline. Besides these denominations among the Germans, there are several minor ones. Among them may be reckoned what are called the *United Brethren*. I do not mean the Moravians, who were originally called the United Brethren; but another denomination, very similar to our Methodist brethren in doctrine, zeal, and mode of laboring. I know not their numbers. There are a number of congregations of *Tunkers* in this state. They baptize by three immersions, that is an immersion for each name of the Holy Trinity. In Cambria county, there are two or three congregations of Welsh, who have preaching in their own language at least part of the time. They are a plain, humble, and apparently pious people.

The *Moravians* have congregations at Bethlehem, Nazareth, Lititz, Lancaster, Philadelphia, Pittsburg, and a few other places. Their Bishop resides at Bethlehem, and also the superintendent of their affairs. The lands on which their towns stand belong to the General Society, whose centre is Herrnhut, in Germany. Individuals own houses and their contents. They are, as a people, remarkable for order, sobriety, and industry.

In West Pennsylvania there are a number of churches of *Covenanters*, *Seceders* or *Associate Church*, and *Unionists*, or *Associate Reformed Presbyterians*.

The *Roman Catholics* are formed most numerous in Philadelphia, and the western part of the state, and chiefly in and about Pittsburg as a centre. They have small chapels however in most of the large towns in the state. The constructing of the numerous canals and roads in this state, during the last ten or fifteen years, has introduced a large number of Catholic Irishmen.

There are probably 50 or 60 *Episcopal Churches*.

There are about 335 *Presbyterian churches*, and 230 ministers,—at least forty of whom are without charges, being professors or teachers, agents or secretaries of societies, &c. but still preaching more or less, and many of them in vacant congregations. A very considerable number of their churches are small and feeble. The Lord has poured out his Spirit on a goodly number of their churches, as well as upon those of other denominations, during the last year. Still revivals are far from being general.

There has been an interesting state of things in the first Presbyterian church in this city during the winter. And of some of the other churches, this may be said, in a qualified measure. There are two Presbyterian churches in the city proper; a third is being built in Bayardstown, which is a continuation of the city, up to the southern bank of the Allegheny river, and a fourth in Allegheny town, opposite to Pittsburg, under the labors of the Rev. Job F. Halsey. The edifice of the theological seminary, under the General Assembly, and which is located at Allegheny town, is now occupied by the students, and the work of completing the rooms is going forward. The present number of students is thirty. This is an important institution for the interests of the Presbyterian church in the Valley of the Mississippi.

On Monday evening of this week there was an interesting annual meeting of the Sabbath-school Association of the First Presbyterian Church. The report stated that there are eight schools, embracing upwards of 600 scholars, and having eighty teachers, belonging to this association. A number of teachers and scholars were hopefully converted during the past year. Among the persons who spoke, was a lawyer who has recently began to think about his soul, and who stated that it was the remarks of his little daughter, who attends the Infant Sabbath-school, which first led him to reflect deeply on his need of religion. Resolutions were passed for establishing Bible classes among the apprentices, in the numerous and extensive manufactories in this place and its vicinity,—and at the close, \$120 were subscribed by this association of teachers to enable the American Sunday-school Union to continue the effort which they are making in the Valley of the Mississippi. The persons who compose this association, not long since, subscribed very liberally towards the two years' effort of the society. They seem to be influenced by the right spirit, and to feel the importance of continually pressing forward.

Last night the annual meeting of the West Pennsylvania Lyceum was held. This institution has established a manual labor school upon a fine farm, about 24 miles from this city, at a place called Zelionople. It has commenced well. It has now 18 or 20 students, and the number is rapidly increasing. It needs some additional buildings and improvements, which I trust will soon be made. It can then accommodate 40 or 50 students, who, if industrious and skilful, can support themselves, with the exception of tuition (\$20 per annum;)



and eighteen cents per week for light and washing. I rejoice in the establishment of such institutions. They will enable hundreds and thousands of our young men to obtain an education, not only for a learned profession, but for all the useful occupations and business of life.

I am, yours, &c.

A TRAVELLER.

From the Philadelphia Gazette.

## PROCEEDINGS OF COUNCILS.

Thursday, April 19, 1832.

**SELECT COUNCIL.**—Mr. DUANE, as chairman of the committee on the Girard fund, made the annexed report, which was made the order for the next stated meeting.

The Committee, appointed by the select and Common Councils, of the City of Philadelphia, "to digest a plan for the general management of the bequests of the late Stephen Girard," respectfully report: That, although a specific or limited duty seemed to have been assigned to them, it soon became obvious, that even such a duty could not be performed, without reviewing the entire subject of the testator's will: it was especially necessary to consider the *amount devised and bequeathed, the objects of the testator, and the means or agents for accomplishing those objects*: When the novelty and magnitude of the subject shall be duly regarded, it is conceived, that these will offer an ample apology, for the postponement of this report, to the present time; indeed, the Committee owe it to themselves to say, that, until the 4th of the present month, such powers had not been conferred by the Legislature, upon the Select and Common Councils, as, the Committee conceived, ought to be possessed, in order that the trusts and duties, created and enjoined by the testator's will, might be duly executed: Now, that those powers are possessed, the Committee for the first time come to the precise recommendation, which will close this report.

1. *The amount devised and bequeathed.* The Committee are not aware, that an accurate estimate can be made, at present, of the estate, which the late Stephen Girard accumulated, in the course of a long life of honorable enterprise, and incessant industry: if, as is probable, that part of his estate, which is in Pennsylvania, amounts to seven millions of dollars; that sum is so large as to command admiration of the means, by which it was acquired, and gratitude for the manner in which the mass of it is to be employed. The testator gave—

To charitable and benevolent institutions,	\$116,000
To relatives,	140,000
To individuals in his employment,	7,000
To the State of Pennsylvania,	300,000
	<hr/>
	\$563,000

Leaving, it is presumed, after the payment of the collateral inheritance tax, about six millions of dollars, in real and personal estate in Pennsylvania, to the City of Philadelphia—the real estate in Philadelphia subject to annuities amounting to \$3900, which will be gradually diminished, and at last extinguished, on the death of the annuitants.

2. *The objects of the testator, of the six millions just mentioned, half a million of dollars are to be invested, and the income applied to the formation of a new and continuous avenue or street along the entire eastern front of the city—to regulate, widen, pave and curb Water street, in the whole city extent thereof—and to remove, and to prevent the erection, in the city, of wooden buildings; leaving five millions and a half for purposes to be now mentioned; of these five millions and a half, two millions in money are devoted to the establishment of a College for orphans, such part of that sum as may not be used in constructing and fitting up*

the college to be applied to the maintenance and education of the orphans; and as the wants of the establishment shall call for a greater revenue, that revenue is to be derived to its whole extent if needful, from the income of the remaining three millions and a half of dollars; but, until the state of the college shall demand the application of the whole of the said income, it may be applied, to establish a competent police—to improve the general appearance of the city—and, consequently, to reduce the taxes.

3. *The means, or agents for carrying those objects into effect.* When we consider, the magnitude of the estate thus devised and bequeathed—the deep anxiety which the testator manifested for the strict execution of his designs—and his characteristic caution and prudence in his transactions through life, we cannot but regard, as very remarkable, his omission to designate specifically the agents, who should execute his designs, or the manner in which those agents should be created, or continued. Without doubt, difficulties, in relation to any prescribed organization, presented themselves to a mind, which never contemplated any subject imperfectly, and, rarely, if ever, failed to overcome obstacles: but, in relation to the duties to be performed, after his demise, instead of endeavoring to establish any particular plan, or to guard against abuses and perversions, he solemnly transferred all responsibility of that kind, to the community which was to be so deeply concerned in the result: What compliment, could be greater than this, to those with whom he had lived? What can be a stronger incentive than this, to future communities and their agents, faithfully to perform all that the testator desired?

The task, therefore, of proposing or establishing a plan, devolves upon the present Councils, under circumstances calculated to create unusual solicitude: reverence for the departed benefactor, and anxiety for those of whom he desired to be for ever the friend, exercise an influence, that needs no further force. But there are still other considerations that claim attention; the testator, as it may be said, on the verge of the grave, emphatically besought his fellow citizens "to observe and evince special care and anxiety in selecting members for the city Councils and other agents;" and it would appear therefore to have been his desire that the responsibilities imposed by his will, should be borne by persons chosen with a view thereto: the present Councils, however, although not chosen since the testator's decease, do not consider themselves at liberty to defer proceedings under it; on the contrary, it seems to be their duty to act according to their own judgment.

If, however, the suggestions which under these circumstances the Committee will now make, shall not be found to be such as might have been the result of more mature reflection and inquiry, they feel a pleasure in reflecting that partial alteration or entire change may be proposed by those, in or out of Councils, who, from their experience and public spirit, are at once competent and disposed to serve the community.

To bring the subject, therefore, distinctly within the view of Councils and of others, in order that error may be pointed out, or improvement proposed, and not under an impression that the best plan is here presented, the Committee respectfully submit the following propositions:

1. There shall be provided, or erected, a suitable building, for the accommodation of all the officers—for the preservation of all the deeds, books, and papers—and for the transaction of all the business, connected with the trusts and duties created and enjoined by the Will of the late Stephen Girard: and, until such establishment shall be in readiness, temporary accommodation shall be procured.

2. There shall be established a Board of Directors of the Girard Trusts, which shall consist of nine individuals, residing in the city of Philadelphia, distinguished for their integrity, intelligence, and public spirit, as well as



for their attachment to the principles of civil and religious liberty.

3. The Select and Common Councils of the city of Philadelphia shall assemble in joint meeting, at 12 o'clock, on the first Monday of May next, in the Common Council Chamber, and there shall then be put in nomination as many individuals as the members present may propose for directors; the names of those nominated shall then be forthwith published, by the clerks of Councils, three times in at least four of the daily newspapers printed in Philadelphia.

4. On the second Monday of May next, at 12 o'clock, the Select and Common Councils shall assemble in joint meeting, in the Common Council Chamber, and shall *viva voce*, choose from the number of individuals put in nomination, nine directors, three of whom shall be designated to serve, and shall serve, for one year—three, for two years—and three, for three years thereafter.

5. In case, owing to refusals to serve, there shall not be on the day of election, eighteen persons in nomination, the Councils at the joint meeting for election, may add to the number in nomination—and out of the whole number then in nomination, shall, *viva voce* choose nine directors.

6. On the first Monday of May, at twelve o'clock, annually thereafter, the Select and Common Councils shall assemble in joint meeting, in the Common Council Chamber, and nominate individuals to supply the places of the three directors, whose term of duty will then have expired: the said nomination shall be made public, as above directed; and at twelve o'clock, on the second Monday of May, annually thereafter, the Councils shall assemble in joint meeting, in the Common Council Chamber, and *viva voce* elect the said three directors.

7. In case, at any election after the first, there shall not be, owing to refusals to act, nine persons in nomination on the day of election, the Councils at their joint meeting for election may add to the number in nomination—and out of the whole number then in nomination, shall *viva voce* choose the said three directors.

8. The same course of nomination, publication, and election, shall be pursued in supplying vacancies, however created; so that one week shall at all times intervene between nomination and election, and that the choice, shall be made *viva voce*.

9. Directors, whose term of service, may have expired, may be re-elected.

10. The directors shall constitute a board, which shall meet once at least in each week; five directors shall be a quorum, for the transaction of business: they shall choose their president on the Tuesday, in every instance, next after their own election, or the election of substituted members, in each year; the same individual may, without limitation, be re-elected president; they shall appoint their own secretary, prescribe his duties, fix his compensation, and remove him from office, at their discretion: they shall superintend all the estate and funds devised and bequeathed by the late Stephen Girard, to the city of Philadelphia: they shall cause all the intentions of the said testator to be carried strictly into execution; they shall have power to make contracts, appoint agents, fix their compensation, and remove them at discretion from office: they shall let all the real estate in Pennsylvania and elsewhere devised to the city of Philadelphia by the said testator, in the manner prescribed in his Will: they shall invest all funds arising from the Girard estate, and directed to be invested in the manner prescribed in said testator's Will: they shall make report quarterly to the Select and Common Councils, embracing a detail of all facts calculated to enable Councils and their constituents clearly to understand the state of the several trusts, works, and establishments under their care.

11. Although all the nine directors shall be required to attend to the general duties of their stations, they shall be classed into three branches, in order that the

organization may be more precise, and the duty and responsibility more definite; three of the nine shall especially attend to all financial operations, income, expenditures, and accounts; three others shall have charge of all matters in relation to real estate, renting, repairing, and building; and the other three members shall attend to all matters connected with the maintenance, discipline, and education of the orphans:—provided, that, the board at large shall decide upon all measures or acts proposed to be done—measures or acts approved of shall be executed under the special direction of those who shall be charged with the particular branch of duty—and reports of all proceedings shall be made weekly by the several subdivisions to the general board.

12. No member of the Select or Common Council shall hold any station, to which emolument shall be attached, connected with the estate and trusts devised and created by the late Stephen Girard; nor shall any member of either council be directly or indirectly employed or interested in any work or labor to be done, or in the supply of any materials to be used, in or for any work or thing to be made or done, for which payment is to be made from the Girard fund.

13. No director shall hold any station connected with the Girard trusts, to which any emolument shall be attached; nor shall he be directly or indirectly employed or interested in any work or labor to be done, or in the supply of any materials or goods, for which payment is to be made out of the Girard fund.

14. The Select and Common Councils, on the same day in each year, on which they shall elect a city treasurer, shall, in joint meeting, *viva voce*, choose a Treasurer for the Girard Trusts, who shall hold his office for one year, shall give such security as Councils may prescribe, shall receive such compensation as they may establish, may employ such person or persons as clerk or clerks, as he may think proper, subject to such alteration as to their number and compensation as the auditors hereinafter mentioned may determine: he shall keep plain and accurate accounts, and a journal detailing all transactions and incidents taking place under his view or in his office in relation to the Girard trusts: he shall keep duplicate books of receipts for moneys paid, one whereof he shall preserve in his office, and hold the other for the use of the auditors or City Councils: he shall furnish such information within the scope of his duties, as Councils may from time to time require: and present annually, for the use of the Councils and also for the use of the Legislature of Pennsylvania, the detailed accounts described in the 3d clause of the 24th Section of the Will of the late Stephen Girard; it shall be his duty to comply strictly with the requisitions of the 4th clause of the 24th Section of the said Will: he shall keep a bank account, in the name of "The Directors of the Girard Trusts," and shall not blend the trust funds, in his office or bank accounts with any other: he shall keep a check book, upon the most simple and approved plan according to the judgment of the directors, shall draw all checks to order, and cause the person in whose favor a check may be drawn, to sign a receipt for it on the margin: checks shall be signed and be payable only when signed, by the president of the board of directors and the treasurer jointly.

15. A board of auditors shall be chosen annually, to consist, of three members, one of whom shall be appointed by the Select Council, from their body, another by the Common Council from their body, and the third by the directors of the Girard trusts out of their own body: it shall be their duty, to compare accounts with receipts, and satisfy themselves that the work or material for which payment may have been made, was actually done, furnished, and used for purposes under some one of the Girard trusts, and they shall not pass any item of account unless satisfied thereof.

With these propositions the committee submit the following resolution:

Resolved, that the committee on the Girard Trusts



be and they are hereby directed to prepare and report an ordinance or ordinances embracing the propositions or principles above enumerated.

The following communication from the Executors of the late Stephen Girard, was received and laid on the table.

*To the Select and Common Councils of the City of Philadelphia.*

The undersigned having been advised, that such laws have been passed by the General Assembly of Pennsylvania, as are satisfactory to the constituted authorities of the city of Philadelphia, to enable them to execute the trusts and duties created and enjoined by the will of the late Stephen Girard, respectfully make known to the Select and Common Councils of the said city, that they are about to pay into the State Treasury, the sum of three hundred thousand dollars, bequeathed by the said Stephen Girard to the Commonwealth of Pennsylvania, for the purposes of internal improvement by canal navigation.

TIMOTHY PAXSON,

THOS. P. COPE,

JOSEPH ROBERTS,

W. J. DUANE,

JOHN A. BARCLAY,

Executors of Stephen Girard.

Philadelphia, April 19, 1832.

When the resolution offered by Mr. Moss in the Common Council came up for consideration, Mr. Johnson moved to postpone it for the purpose of introducing the following as a substitute.

Resolved, that the Girard Committee be instructed to consider and report at the next stated meeting, whether any, and if any what measures are necessary and proper to be taken by the City Councils, in relation to the square of ground between Eleventh and Twelfth, and High and Chesnut streets, and that they have authority to confer with the Executors of the late S. Girard, Esq. on this subject.

When, on motion of Mr. GROVES, they were both postponed for the present.

**COMMON COUNCIL.**—Mr. J. PRICE WETHERILL presented a communication from Messrs. Charles Humphreys & Co. which was referred to the Committee of the wharves on Schuylkill.

Mr. OKIE presented a petition praying that Broad street from Walnut street to Cedar street be paved and curbed, which was referred to the Paving Committee.

The following letter from the County Commissioners was received, and referred to the Committee on Independence Square.

*To the President and Members of the Select and Common Councils of the city of Philadelphia.*

The County Commissioners are about making some improvements in the cellars of the fire proof buildings, to afford more room and convenience to public offices; and as a passage in front, to afford light and a convenient intercourse, will be necessary, the commissioners deem it proper and respectful to give notice to Councils, in order that their approbation may be obtained as to the front entrance.

All of which is respectfully submitted, by your obedient servants,

JOHN THOMPSON,

DANL. THOMAS,

THOMAS MAGUIRE,

County Commissioners.

The annexed communication and resolution from the Presidents of Councils relative to the Cholera Morbus, were received and adopted.

The Presidents of the Select and Common Councils, to whom was referred the communication from Benjamin C. Howard, Esq. of the House of Representatives

of the United States, and accompanying documents on the subject of the Cholera Morbus, report:

That they had one or more interviews with a Committee of the Board of Health of this city, and believe that that body has made such application to Congress and will adopt and enforce such measures as the emergency of the case requires, and offer the following resolution—

Resolved, that the Presidents of Councils be discharged from the further consideration of the subject.

Mr. Moss offered the following resolution which was passed by the Common Council.

Resolved, by the Select and Common Councils, &c. that the executors of Stephen Girard be authorized to purchase lumber for the houses to be erected on the square between High and Chesnut, and Eleventh and Twelfth streets, in compliance with the will of the late Stephen Girard.

Mr. WETHERILL offered the following resolution which was laid on the table.

That the executors of the late Stephen Girard be authorized and requested in their capacity as executors, to cause the square of ground between High and Chesnut street, Eleventh and Twelfth streets, to be built upon and improved agreeably to the plan and arrangement of the testator; to employ and compensate all suitable agents, to fulfil all contracts made by the testator for improving said square, and to make contracts for work and materials which have not been contracted for by the testator for said improvements, and to pay for the same out of the funds that may be in their hands as executors; and that the receipts which they shall obtain for all payments made by them in the prosecution of the said improvements, shall be accepted by the Mayor; Aldermen and citizens of Philadelphia, as a part, to the amount of said receipt, of the residuary estate devised and bequeathed by the said testator, to said Mayor, Aldermen and citizens of Philadelphia.

Mr. SEXTON begged leave to be excused from serving on the committee to visit the lands of the late Stephen Girard in Schuylkill county, and Mr. Coryell was appointed in his place.

The following piece of pleasantries, records a fact relating to the commencement of the Permanent Bridge, which it may be well to preserve.

#### EXTRACT FROM THE DIARY OF A CITIZEN.

OCTOBER 18, 1800.—Went to the Schuylkill at 4 P. M. to witness the ceremony of laying the first stone of the Bridge, proposed to be thrown over that river at the west end of High street; the Mayor and several members of the City Councils, and the President and Directors of the incorporated company, who have the work in hand, attended. A cold collation was provided, of which about 70 persons partook, in the old brick ferry-house, which now stands in the centre of the street—about 200 of the workmen and others, had a table spread in the open air, over which they made themselves very merry. It was a lucky circumstance for them, that a rain which had prevailed the previous part of the day, ceased a short time before they sat down. It was in the midst of such another storm that I went, officially, to this same spot, last spring, to make a formal delivery of the scite, on the part of the city, to Judge Peters, President of the Bridge company.

Jno. Lewis, the stone mason, conducted me into the pit for the eastern abutment, where the corner stone was prepared, and waiting for the ceremony, to show me the inscription which he had cut on it. The inscription is "T. F. C. S. O. T. S. P. B. W. L. October



XVIII. MDCCC." Should this stone ever witness a resurrection to day-light, it will doubtless afford rich food for the antiquarians of that period. Many a shrewd debate and learned hypothesis will doubtless ensue. T, being the initial of Tammany, will signify that savage saint. F, stands for feast all the world over. C, every one will acknowledge, stands for council. S, will be for savages. O, of course, is for brother Onas, that is Wm. Penn. T, must be for tribes. S, it will be quite natural to suppose, means Schuylkill. P, will be Philadelphia. B, is the first letter of bridge, and as there must needs be water where a bridge is, W, will represent that, and where great folks are, there will be lords—L, must consequently stand for lords. The interpretation of the whole will then be simple enough.

*Tammany*, the Columbian Saint, in his wisdom, held a *Feast*, and caused a great

*Council*, consisting of divers white men and

*Savages*, to be convened, to which he invited his brother

*Onas*, who was fond of mush and molasses, and was, moreover, prince of the

*Tribes* dwelling on the goodly stream called

*Schuylkill*, whose waters flow on the western side of

*Philadelphia*, and then, and there, St. Tammany did erect this

*Bridge*, with his own hands, and placed it across the

*Waters*, amidst the shouts and whoops and yells of the great

*Lords* of the Province of Pennsylvania.

Few of even the most sagacious of the brotherhood of our after philosophers, will conjecture the true meaning of the inscription, which is simply "This First Corner Stone Of The Schuylkill Permanent Bridge Was Laid October 18, 1800." On receiving this explanation I asked Lewis how he could suppose after ages would be able to discover the true interpretation of his inscription; assuming a very grave countenance he answered emphatically—"Why, sir, by the time that they'll dig up that stone, the people will be much more *larned* than you and I be."

From the Blairsville Record.

#### SKETCHES, No. VI.

#### *Of the Life, and Military and Hunting Adventures of* **CAPTAIN SAMUEL BRADY.**

(Continued from page 238.)

In No. I. of these sketches, it has been stated that Captain John Brady, the father of Captain Samuel, had been wounded at the battle of Brandywine; that his son John was also wounded there, (who was but a lad of sixteen, at the time,) and that, in consequence of their wounds, both had permission to return to their home, which was on the west branch of the Susquehanna. It was further stated, that Captain John Brady and one of his sons were killed by the Indians, soon after Samuel had left home for Bedford or Pittsburg.

Although not immediately connected with the personal adventures of Captain Samuel Brady, I propose giving a sketch of events on the Susquehanna, prior and up to the death of his father and brother.

Those who read these sketches may perceive, from the nature and antiquity, that they are compiled from their statements, oral and written, of persons acquainted with the facts disclosed, either personally or by hearsay. Allowance will be made, therefore, for the want of chronological order, observable throughout: seeing that I am dependent on different persons, residing in different parts of our country, for what I have been able

to put forth. Some of these persons are old and infirm, and have particular facts more deeply registered in the memory than others of more seeming importance; and it requires inquiry and examination to elicit other facts to supply or correct the narrative; and that all these have been hastily thrown to paper, and published, without even an examination of the proof sheet.

The transactions on the Susquehanna have, it is true, this connexion with the biography of Captain Samuel Brady, that, on hearing of the murder of his youngest brother, and that of his father, by the Indians there, he did, it is said, raise his hand on high and vow,—“Aided by Him who formed yonder Sun and Heavens, I will revenge the murder of my father and brother: nor while I live, will I ever be at peace with the Indians, of any tribe.”—This exclamation, uttered in a moment of anguished feeling, the recital of his brother's sufferings being fresh in his mind, has been assigned as the principal cause of his daring and unparalleled courage and address in the various conflicts he had with the Indians afterwards.

This representation has rather obscured his true character than otherwise. He has been considered a devoted man-killer, reckless of all sympathy, and destitute of all humanity towards the Indian race. This is by means true. Brady, as I have been informed by one who became acquainted with him on the occasion of his being indicted for the murder of certain Indians in time of peace, was a gentlemanly, fine looking man, possessed of a noble heart, and intellect of a high order. His conduct on that occasion, when investigated, was found to be correct; and that he had used his influence, as far, probably, as was safe with an infuriated band, to protect the Indians with whose murder he was charged. But of this hereafter.

Another cause than blind revenge might be assigned for that heroic devotedness of courage; that eagerness to solicit dangerous commands; that contempt for all that is allied to fear, by which he was distinguished. But it is of little moment now, further than to authorize the assertion that it was honorable in its origin, though unpropitious in its termination.

After having perused our statement of the occurrences at Susquehanna, and retaining in his mind the intimation contained in the above lines, the reader will be satisfied that the excitement which prompted the vow, was not of that *savage* character it has generally been supposed to bear. But that it was the unpredicted exclamation of one

“Upon whose ear the signal word  
Of strife and death was hourly breaking;  
Who slept with head upon the sword,  
His fevered hand must grasp in waking.”

When Captain John Brady left Shippensburg he located himself at the Standing Stone, a celebrated Indian town at the confluence of the Standing Stone creek and Juniata river;—the present town of Huntingdon, in Huntingdon county, stands in part on the site of Standing Stone. From thence he removed to the west branch of Susquehanna, opposite the spot on which Lewisburg or Derrstown, in Union county, stands. If I mistake not, the tract settled on by him, now belongs to George Kremer, Esq. Derr had a small mill on the run that empties into the river below the town, and a trading house, from whence the Indians were supplied with powder, lead, tobacco and rum. In the commencement of the strife between the colonies and the mother country, Brady discovered that the Indians were likely to be tampered with by the British. The Seneca and Muncy tribes were in considerable force, and Pine and Lycoming creeks were navigable almost to the state line, for canoes. Fort Augusta had been built upon the east side of the north branch, immediately where it connects with the west, about a mile above the present town of Sunbury. It was garrisoned by “a fearless few,” and commanded by Captain, afterwards Major Hun-



ter, a meritorious officer. He had under his command about fifty men. In the season for tillage some attention was paid to farming; but the women and children mostly resided in the fort, or were taken thence on the slightest alarm. It was known that the Wyoming flats were full of Indians of the Delaware and Shamokin tribes. The latter since extinct, was then a feeble people, and under the protection of the Delawares. In this state of affairs Captain John Brady suggested to his neighbors and comrades, under arms at Fort Augusta, the propriety of making a treaty with the Seneca and Muncy tribes; knowing them to be at variance with the Delawares. This course was approved of, and petitions sent on to the proper authorities praying the appointment of commissioners for the purpose of holding a treaty. Commissioners were appointed, and Fort Augusta was designated as the place of conference; and notice of that, and of the time fixed for the arrival of the commissioners was directed to be given to the two tribes. Captain John Brady and two others were selected by the people in the fort to seek the Senecas and Muncys and communicate to them the proposal.

The Indians met the "ambassadors" of the settlers, to wit, Captain John Brady and his companions in a very friendly manner; the chiefs listened with apparent pleasure to the proposal for a treaty, and after smoking the pipe of peace and promising to attend at Fort Augusta on the appointed day, led our men out of their camp, and shaking hands with them cordially, parted in seeming friendship.

Brady feared to trust the friendship so warmly expressed, and took a different route in returning with his company from that they had went, and arrived safe at home.

On the day appointed for holding the treaty, the Indians appeared, with their wives and children. There were about one hundred men, all warriors, and dressed in war costume. Care had been taken that the little fort should look as fierce as possible, and every man on the alert.

In former treaties the Indians had received large presents, and were expecting them here: But finding the fort too poor to give any thing of value, (and an Indian never trusts,) all efforts to form a treaty with them proved abortive. They left the fort, however, apparently in good humor, and well satisfied with their treatment; and taking to their canoes proceeded homeward. The remainder of the day was chiefly spent by the officers and people of the fort in devising means of protection against the anticipated attacks of the Indians. Late in the day Brady thought of Derr's trading house, and foreboding evil from that point, mounted a small mare he had at the fort, and crossing the north branch he rode with all possible speed. On his way home he saw the canoes of the Indians on the bank of the river near Derr's. When near enough to observe the river, he saw the squaws exerting themselves to the utmost, at their paddles, to work the canoes over to his side of the river; and that when they landed, they made for thickets of sumach which grew in abundance on his land to the height of a man's head, and very thick upon the ground. He was not slow in conjecturing the cause. He rode on to where the squaws were landing, and saw that they were conveying rifles, tomahawks and knives into the sumach thickets, and hiding them. He immediately jumped into a canoe and crossed to Derr's trading house, where he found the Indians brutally drunk. He saw a barrel of rum standing on end before Derr's door, the head out. He instantly upset it, and spilled the rum, saying to Derr, "my God, Frederick, what have you done?" Derr replied: "Dey dells me you gif um no dreet town on de fort, so I dinks as I gif um one here, als he go home in bease."

One of the Indians who saw the rum spilled, but was unable to prevent it, told Brady he would one day rue the spilling of that barrel. Being well acquainted with the Indian character, he knew death was the penalty of

his offence, and was constantly on his guard for several years.

Next day the Indians started off. They did not soon attack the settlements, but carried arms, for their allies, the English, in other parts. Meanwhile emigration to the west branch continued; the settlement extended, and Freelyng's or Freelan's fort was built near the mouth of Warrior run, about eight miles above Derr's trading house.

Contrary to expectation, the tomahawk remained at rest, for several years, on the Susquehanna. Fort Freelyng was the rallying point in cases of alarm. Spies were out in the wilderness and the margin of the settlements, and even ventured a great distance into the Indian country without discovering signs of hostility. The cloud that for a while had threatened and then rolled away, was about to return, however, darker than before, and charged with destructive fury.

One evening a scouting party came in who had seen signs of Indians making their way toward the Susquehanna. The neighborhood was alarmed, and all fled for safety to the fort. A council of war was held, and a decision made, that all the women and children should be sent down the river to fort Augusta, immediately, and spies sent out to observe the approaching force. The spies soon returned with intelligence that the enemy was near two hundred strong, and that there were *white men* among them.

Fort Freelyng was commanded by a captain Dougherty, (than whom no braver man ever lived,) who had under his command about sixty men. After hearing the force of the enemy, the officers agreed upon evacuating that fort, and retiring to fort Augusta; where, on uniting the whole force of the country, it was their determination to make a last and desperate defence. The Indians had been seen skulking around the fort, and the men were preparing for a march, when an *old tory*, who was in the fort, exclaimed—"Captain Dougherty, I always knew the continental troops would not fight,"—Dougherty was a man of impetuous feelings; he instantly replied—"you d—d old rascal, we will show you we can fight; and if the fort is betrayed, and I survive, I will sacrifice you."

The Indians attacked the fort early in the morning, on the upper side. On the lower, was a kind of glade, covered over thickly with large bushes, from six to seven feet high; having a small path through to the river. The fire of the Indians was of no great account, as they chose to keep at safe distance. The fire from the fort was well directed, by the best marksmen, and proved very galling. A British officer was seen busily engaged directing the Indians; but a lad in the fort, taking deliberate aim, fired, and he was seen to fall;—supposed to be killed or badly wounded. The attack was suspended from a little before sun-set till the next morning. The Indians during the night had hid themselves in the bushes, in order to draw the men out of the fort, but finding the little band too circumspect for the snare, came again to the attack with a most tremendous yell. They finally succeeded in getting into the fort, when a dreadful massacre ensued. Captain Dougherty kept his eye upon the old tory, and finding all was over, sent a bullet through him, with the imprecation—"Damn the traitor."

Every man sold his life as dear as possible; none escaped but Captain Dougherty and Samuel Brady, brother to Captain John Brady, and uncle to Captain Samuel. They left the fort together, pursued by a host of Indians. The hazle bushes being so thick on the side of the fort at which they came out, it was impossible for the enemy to follow them. Captain Dougherty, who was an uncommonly active man, could load his rifle whilst under cover of the brush, and when he heard the noise of an Indian he could leap high enough to see and fire upon him. Samuel Brady (known in his day as uncle Sam.) had made his way through the large thicket and came upon a plain below. He thought it



best, as he has been heard to say afterwards, to "*make his eternal escape.*"

He had already run a considerable distance, but on looking back, he beheld two Indians in pursuit; one of them a large, dangerous looking fellow, the other of small stature. He renewed his speed and was getting along pretty well, when his foot slipped into a hole, and he fell down. The large Indian was foremost and armed. But Brady had fallen with a loaded rifle in his hand with which he shot at the savage, who gave a wild yell and fell dead. The little warrior thinking, perhaps, there were more rifles about, wheeled and made for the fort. At the edge of the fort it was his fortune to meet Captain Dougherty, who split his skull with the butt of his rifle, and ran on. The two, Dougherty and Brady, only, survived that day's massacre, and brought the news to Fort Augusta. It may be supposed that, that night was one of gloom and sorrow in the little fortress. The reader can sketch the picture according to his own fancy.

KISKEMINETAS.

From the Pennsylvania Reporter.

### STATISTICS OF SLAVERY.

We have not seen the official returns of the census, but from an abstract in the American Almanac, it appears that there are still 37 slaves in New England, viz: 14 in Rhode Island, and 23 in Connecticut. *Forty-six* slaves are put down to the State of New York. Now we had supposed that slavery was abolished in this State, from and after the 4th of July, 1827. It is true, the children of slaves were still to remain in the employ of their former owners, to a certain age, "in the same manner as if they had been bound to service by the overseers of the poor." Those born prior to the 1st April, 1817, were to remain in this condition, until the age of 21, and no longer. Hence it follows, that there will be no "servants" in this State, arising from the former relations of master and slave, after the 31st of March, 1845. There are no slaves now; or if there are, we should be glad to know, how the fact is explained.

But supposing, for the moment, that 46 slaves are rightly put down to the credit or discredit of New York, then the number of slaves in New England and New York, with a joint population of 3,868,119, is 83. Adding 2,446 for New Jersey, 386 for Pennsylvania, 746 for Illinois, and 27 for Michigan, we have a total of 3688 slaves *only*, in the entire country north of Maryland, and the river Ohio. The number of States embraced in this district is twelve, and one territory. Number of inhabitants, 7,004,666; or a majority of the whole population of the United States. In 1820, the number of slaves in the same district was 19,321. Decrease in ten years, by legislation or otherwise, 15,633. *The only State within its limits, where the number of slaves has increased during the same period, is Pennsylvania, which has received an accession of 175, and at present has a total of 386.* Our good friends, the Quakers, must look to this business a little—New Jersey has decreased from 7557 to 2446; New York from 10,088 to 46, or, as we say, to 0; Connecticut from 97 to 23; Rhode Island from 48 to 14; Indiana from 190 to 0; Illinois from 917 to 746. The States which are at present free from the curse of slavery, are Maine, New Hampshire, Vermont, Massachusetts, New York, Ohio, and Indiana; two more than in 1820. It is high time that all the States we have mentioned, should follow the same example; always taking care to make compensation for individual losses.

Turn we now to the remaining portion of the United States. The present number of slaves in Delaware is 3305; being a decrease of 1204 since 1820. In Maryland, 102,878, being a decrease of 4,520 during the same period. In 1810 the number of slaves in Maryland was 111,502; or 8,624 more than it is at present. In the District of Columbia, the number of slaves in 1820 was 6377. Present number, 6056. Decrease, 321. In all the other States and territories, there has been a decid-

ed increase, as will be seen by the following schedule:

No. of slaves in	1820.	1830.	Increase.
Virginia	425,153	469,724	44,671
North Carolina	295,017	246,462	41,445
South Carolina	258,475	315,365	56,890
Georgia	149,656	217,470	67,814
Alabama	41,879	117,294	75,415
Mississippi	32,814	65,659	32,845
Louisiana	69,064	109,631	40,567
Tennessee	80,107	142,382	62,275
Kentucky	120,732	165,350	44,618
Missouri	10,222	24,990	14,768
Florida	unknown	15,510 say	10,000
Arkansas	1,617	4,578	2,961
Total	1,394,736	1,824,415	494,169

Hence, it appears that the whole increase of slave population in the United States from 1820 to 1830, except 175 in Pennsylvania, has occurred in ten States and two territories, and amounts to 494,169; being an accession of more than one-third to the original number. If from 494,169 we deduct the decrease in other portions of the Union, amounting to 21,678, we have a nett increase throughout the United States, of 472,491. The whole number in 1820 was 1,531,346;—consequently, the present number is 2,003,837, out of a total population of 12,856,167. The increase from 1810 to 1820 was 339,982.

We have not the means of knowing the ratio of increase among the white population of these States, in comparison with the slaves, but taking the whole population in the aggregate, the increase from 1820 to 1830 was as 100 to 133, while the increase of slaves was as 100 to 136, nearly. Hence it is clear that the slaves are increasing in those States in a considerably more rapid ratio than the whites.—*New York Journal of Commerce.*

Remarks by the Editor of the Pittsburg Gazette, Neville B. Craig.

STATISTICS OF SLAVERY.—The article under this head, upon the opposite page of our paper, presents some interesting results. The object of this paragraph is simply to state, that there cannot, in fact, have been an increase of slaves in Pennsylvania during the ten years from 1820 to 1830. In the enumeration of this portion of the population, in one of those years there must have been committed errors to the amount of 175—the supposed increase. Some slaves may have been overlooked in 1820; or some who were not slaves in 1830, may have been enumerated as such. Be this as it may, it is certain that the reproach—"that Pennsylvania is the only state north of Maryland and the Ohio, in which the number of slaves increased after 1820"—is not well founded. It would, indeed, be a remarkable circumstance, if such reproach could be justly urged against the land of Penn. Pennsylvania made an early move on this subject, and on the 1st March, 1780, an act was passed which declared that no person, born after that date should be considered or held as a slave for life. So that now, no child or person born after that date, or imported from other States, can be held after the age of twenty-eight years. Consequently, there can now be no slaves in this State, under fifty-one years of age; and Pennsylvania cannot be liable to the reproach of being the only state north of Mason and Dixon's line, in which the number of slaves has increased.

*Slavery in Pennsylvania.* In our last paper, we made some remarks upon the *apparent* increase of the number of Slaves in this State, presented by the census of 1830, as compared with that of 1820. That increase seemed to be 175, upon a stock of 211 in 1820, being upwards of 83 per cent., in ten years. That there was some mistake in the matter, we never doubted; we well knew that an *actual* increase of the number of slaves in this state, could not take place at this late day. Whether the error, however, arose from omissions of slaves in 1820, or from enumerating in 1830, as slaves,



colored persons who were only servants for years, we knew not. We then determined to investigate the matter thoroughly, even though it should cost us much labor. We have, however, been agreeably disappointed; a very slight investigation has satisfied us, that gross errors have been committed in the enumeration of 1830. We, in the first place, carefully perused the act of March, 1780, and satisfied ourselves, fully, that there could be no slaves in this state, under fifty-one years of age. We then took up the census of Western District of Pennsylvania for 1830, in which we found enumerated 154 slaves, in the following seven counties.

In Allegheny,	30,	24	of whom were under 36 yrs.
Fayette,	89,	77	do do
Huntingdon,	12,	7	do do
Indiana,	10,	10	do do
Lycoming,	5,	4	do do
Mercer,	6,	6	do do
Venango,	2,	2	do do

There were other counties in the Western District, in which similar errors were committed, but these were the most prominent. *We have no complete table of the Eastern District,\** but were enabled to get the censuses of the following six counties, which gave the following results:

Adams,	45,	39	under 16 years.
Berks,	7,	5	do do
Bucks,	6,	1	do do
Chester,	5,	4	do do
Perry,	4,	2	do do
York,	25,	20	do do
	92	71	
Seven western co.	154	130	
	246	201	

Here are thirteen counties, which, in the enumeration of 1830, are stated to contain two hundred and forty-six slaves; yet, when we come to examine them, and deduct those under thirty-six years of age, there remain but forty-five.

Total,	246
Under 36 years of age,	201—45

Even this, however, does not exhibit the whole amount of the error in these 13 counties. Of those enumerated in the census, and stated to be over 36, and under fifty-five, we know not how many may be under fifty-one years of age, and of course entitled to their liberty at this moment. We have not, as we have before stated, a complete table of the population of the state, according to the census of 1830. That census, however, states, that there are 386 slaves in the whole state, being an increase of 175 over the census of 1820. In these thirteen counties, there are errors to the amount of 201. Deduct these from the total *apparent* number of slaves, and there remains but 185, being 26 less than there was in 1820. In 1820, these thirteen counties contained about 100 slaves, and they now contain less than 45; being a decrease of more than fifty-five per cent. Such a decrease is not surprising, when it is recollected that all who were really slaves in 1820, were considerably advanced in life, and most of them aged. If the decrease has been equally great in all other parts of the state, the slaves cannot now exceed 90.

In a subsequent paper, Mr. Craig says, since the publication of the above we have laid our hands upon the list of taxables and slaves in Pennsylvania, according to the Septennial enumeration of 1828, compiled from the returns made to the Governor, by the commissioners of the respective counties. This list gives seventy-nine slaves to the whole state. We add the results of the Septennial enumeration, our calculation, and the census of 1830 in these thirteen counties—

\*See Register Vol. VII.

	Sep. Enu. in 1823.	Our Calculation.	Census in 1830
Allegheny,	1	6	30
Adams,	8	6	45
Fayette,	9	12	89
Huntingdon,	2	5	12
York,	3	5	25
Indiana,	0	0	10
Mercer,	0	0	6
Venango,	0	0	2
Lycoming,	0	1	5
Berks,	2	2	7
Bucks,	3	5	6
Chester,	7	1	5
Perry,	0	2	4
	35	45	246

Our estimate exceeds the enumeration of 1828; this excess may be accounted for by that portion of the colored population over 36 years of age, and under 51, which are represented as slaves, and which cannot be distinguished in the census of 1830.

It is a matter to be greatly regretted, that such errors should have been committed in the classification of that portion of the colored population under fifty-one years of age. It proves, *officially*, to the world, that slavery is on the increase in this state, and subjects the land of Penn to the reproach and ignominious distinction of being the only state north of Mason and Dixon's line so unhappily situated. It is manifest that the official statement is erroneous; but that statement will be read where and when a correction will be unnoticed and unknown.

Thus far Mr. Craig—The number seventy-nine, comprises the remaining few colored persons, of those who were in slavery at the time of the passage of the law in 1780, and of course are now above fifty years of age. These have grown up with their present masters, live on the same food, often work in the same field, are as much attached to their owners, as their owners to them, and would not accept their freedom if offered to them.

Feeling much for the character of my native state, by reason of the obviously incorrect statement of the Marshal's assistants, in respect to the increase of slaves in Pennsylvania, since 1820, I examined the book kept by John Kelker, who in part took the census of Dauphin county, in the year 1830, and found a return of 17 slaves in said county, and in the possession of the following persons.

RESIDENCE		AGE.			
		Between 10 and 12	Between 24 and 36	Between 36 and 55	Between 55 & 100
Harrisburg,	John Berryhill,		1 fem.		
	J. A. Shulze,		1 fem.		
	David Espy,				1 fem.
Susque'a } townsh.	John B. Cox,	2 fem.		1 fem.	
	A. M'Allister,	1 m. 2 fe.			
Hanover,	Alex. M'Cright,	1 fem.			
	Rev J. Snodgrass,	1 fem.	1 male		
	David Ferguson,	1 fem.			
	Robert Rogers,	1 male			
	James Corbet,	1 male			
Mifflin,	Unknown,	1 male			

It is obvious, that as every negro and mulatto child, born within the state after the passing of the act of March, 1780, was declared to be free after having served his or her master or assigns twenty-eight years there could not have been in the year 1830, any of the sixteen persons above referred to, lawfully held in bondage, with the exception of the one between the ages of 55 and 100 years. The same remark will of course apply to many of the other returns. Seventeen slaves were returned from Dauphin county, but upon going over the book with the assistant Marshal, only 16 persons were counted, who were returned as such.

I think it proper to remark, that as far as my observations extend, the only editor in Pennsylvania, who noticed the circumstance of the apparent increase of the



slaves in the United States since 1820, is Mr. Craig,\* and the friends of justice, truth and humanity, are much obliged to him for his appropriate and excellent remarks on the subject. It is also somewhat singular, that these should not have been republished, considering the sensitiveness professed to be entertained by several editors of newspapers, with respect to the continuance of slavery in the United States.

Harrisburg, April 16, 1832.

JAMES MEASE.

¶ We have had on file, since their publication in the *Pittsburg Gazette*, the preceding remarks on the increase of slaves in this state—and have delayed the republication in the hope of, by investigation, throwing some light upon the subject: with this view we formed the following comparative table of the number of slaves at the periods of taking the census in 1790, 1800, 1810, 1820 and 1830.

	1790	1800	1810	1820	1830
Adams, - - -	00	114	71	23	45
Allegheny, - -	159	79	24	1	30
Armstrong, - -	00	1	00	00	00
Beaver, - - -	00	4	8	5	00
Bedford, - - -	46	5	1	5	1
Berks, - - -	65	19	4	1	7
Bradford, - - -	00	00	00	00	00
Bucks, - - -	261	59	11	2	6
Butler, - - -	00	1	00	00	00
Chester, - - -	145	46	7	7	5
Cumberland, - -	223	228	307	17	7
Cambria, - - -	00	00	6	00	00
Columbia, - - -	00	00	00	00	00
Centre, - - -	00	†	1	00	5
Clearfield, - -	00	00	00	00	00
Crawford, - - -	00	5	2	00	00
Dauphin, - - -	212	93	26	9	18
Delaware, - - -	50	7	00	1	2
Erie, - - -	00	2	18	1	1
Fayette, - - -	282	92	58	41	89
Franklin, - - -	330	181	87	19	12
Greene, - - -	00	22	10	7	2
Huntingdon, - -	43	32	00	5	12
Indiana, - - -	00	00	00	00	10
Jefferson, - - -	00	00	00	00	00
Lancaster, - - -	348	178	44	21	56
Lebanon, - - -	00	00	00	4	5
Lehigh, - - -	00	00	00	00	2
Luzerne, - - -	11	18	00	1	00
Lycoming, - - -	00	39	2	3	5
McKean, - - -	00	00	1	00	00
Mercer, - - -	00	5	3	1	6
Mifflin, - - -	59	23†	9	5	00
Montgomery, - -	114	33	3	3	1
Northampton, - -	23	8	00	00	00
Northumberland, -	89	29	3	1	00
Perry, - - -	00	00	00	1	4
Philadelphia, - -	387	85	8	7	21
Pike, - - -	00	00	00	1	1
Potter, - - -	00	00	00	00	00
Schuylkill, - - -	00	00	00	00	00
Somerset, - - -	00	00	00	00	1
Susquehanna, - -	00	00	00	00	00
Tioga, - - -	00	00	00	00	00
Union, - - -	00	00	00	3	2
Venango, - - -	00	00	00	00	2
Warren, - - -	00	00	00	00	00
Washington, - -	263	84	36	5	1
Wayne, - - -	00	1	3	00	00
Westmoreland, - -	128	136	20	5	1
York, - - -	499	77	22	6	26
	3737	1706	795	211	386

\* Mr. Reynolds in the *Lancaster Journal*, July 2, 1830, also noticed the fact in some remarks for which we have not room.

† And Mifflin.

‡ And Centre.

From the preceding table it appears, that every other census previous to the last, exhibited a regular decrease in almost every instance, with the exception of Cumberland county, in which from 1800 to 1810, there was an apparent increase of 79; but since that period, the number of slaves has there, gradually decreased to 7. From 1820 to 1830, the principal apparent increase was in the counties of Adams, Allegheny, Fayette, Dauphin, Lancaster, Philadelphia and York. Now presuming that the Marshals have made correct reports of the returns made to them—we cannot otherwise account for the apparent increase, than by supposing it possible, that as these counties are all, either adjoining slave states or in their immediate neighborhood: slaves may have been introduced from the latter, and are still illegally held in bondage, and actually reported as such to the Marshals, whose duty did not require them to investigate this circumstance. It is certainly well worth the attention of the friends of abolition, to ascertain what are the facts.

#### IMPROVEMENT.

We are pleased to observe a disposition manifested to purchase lots in Mauch Chunk, and improve the place by erecting handsome buildings. Several engagements for lots have, we understand, been made with the Company this spring, and two buildings, one designed for a store, and the other a dwelling, are in a state of forwardness and will soon be finished.—*Courier*.

There are a few things necessary to the convenience of house-building in Mauch Chunk, one of which is a good brick yard in its vicinity. No brick can at present be procured nearer than Allentown. Another is lime. The materials for making both of these articles we believe can be obtained in the vicinity of this place, and we should suppose that the manufacturing of them would be profitable.—*Ib*.

#### SNOW! ❄️

There are now (April the 21st,) several large banks of snow, from 1 to 4 feet deep, on the road side a short distance below the Mauch Chunk Hotel, which were deposited there within the past winter. They are protected from the rays of the sun by the shade of the mountain, and the atmosphere in this vicinity has not been sufficiently heated to dissolve them. It is a little singular to see banks of snow on one side of the road, while on the other the trees and shrubs are beginning to open their buds and put on their summer livery of green.

There is no doubt (“bating the arrival of the Comic”) that snow will be found in the narrows after the middle of May. If so, the public shall be advised of the fact.—*Ib*.

#### BOAT-BUILDING.

In addition to the hurly-burly of the boat-shed, we have business going on along the banks of the Lehigh, where our friends, Batchelor & Co., Col. Dodson, Jos. Lippincott, and I. Salkeld,—and Andrew Cooper, and others, on the bank of the canal, east of the Lehigh, are driving their various contracts for the Lehigh coal and Navigation company, and the Morris canal company, with a degree of spirit that promises a favorable result to their operations.

Between one and two hundred boats are building by the contractors named above.—*Ibid*.

#### APPOINTMENT BY THE GOVERNOR.

JOSIAH WHITE, Esq. to be a Canal Commissioner, in place of James M. Linnard, Esq. resigned.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. IX.—NO. 18.

PHILADELPHIA, MAY 5, 1832.

NO. 227.

## REPORT OF THE EXECUTIVE BOARD TO THE UNION BENEVOLENT ASSOCIATION.

*Presented at a Quarterly meeting, held in the Franklin  
Institute, April 16, 1832.*

Although the time specified by the Constitution for receiving a report from the Executive Board, has not yet arrived; yet we believe that the peculiar circumstances of the Institution, struggling in its infancy with unforeseen difficulties, and called upon to act as alms-house for the public, in a manner not at first contemplated; make it desirable that the members generally should be made acquainted with the course which has been pursued by the board, the efforts made to meet the exigency of the case, and the degree of success which has attended the labors of the visitors.

One of the first subjects which claimed the attention of the board, after its organization, was the printing and circulating the address, constitution of the society, and regulations for visitors; in order that the public generally might be put in possession of a knowledge of the views entertained by the society; and the plan of operation by which it was proposed to attain the objects for which it had been instituted: twenty-five hundred copies were accordingly struck off, and distributed throughout the City and Liberties. The board, at an early period, by a committee authorized to confer with the Ladies committee on the subject; divided the City, Northern Liberties, and Southwark, into districts, in accordance with the plan originally contemplated. The City proper is divided into twelve, the Northern Liberties and Southwark into four districts each. These districts have been respectively subdivided into numerous small sections. The operations of the society, being subsequently extended into Moyamensing, that township now constitutes one district, and is likewise subdivided into small sections.

In order to bring the scheme of the association more immediately before the public, and to secure the services of those who were disposed to enlist as visitors in the different districts; it was resolved, at a meeting of the board held on the 7th of December, at which, invitation having been given, several of the members of the Ladies branch attended; that those persons friendly to the objects of the Union Benevolent Association, be invited to attend a meeting to be held on the 12th of the month. The meeting was accordingly attended by a considerable number of ladies, for whom it was principally designed. A meeting for a similar purpose, was likewise held on the 5th of January, at the commissioners' hall, Southwark; to which the ladies of that district were particularly invited: the result of this meeting was also satisfactory.

It is not necessary to enter here into a detail of the various efforts which have been made by the different executive committees, in order to develop the peculiar system which characterizes the society, and to secure for it the patronage and co-operation of the community; suffice it to say, that every eligible opportunity, as it occurred, has been embraced, and in every instance, when fully understood, the plan has met with approbation and encouragement.

The report of the managers of the Ladies branch accompanies this, by which it will be seen, how assiduously they have prosecuted their benevolent work, and how deeply the association is indebted to the members composing that branch, who by their unwearied labours, have mainly contributed to the success which has already been attained.

The society has heretofore been made acquainted with the causes which rendered it expedient to call a public meeting of the citizens, on the 7th of January last, for the purpose of obtaining the funds indispensably necessary for the relief of the poor; whose sufferings were at that time, unusually severe. The result of the appeal which was then made to the public, will be seen by the accompanying report of a committee appointed by this board, at a special meeting held on the 11th of January; to superintend the distribution of the funds raised by the citizens. From that report it will be seen, that especial care has been taken, that the resolutions passed by the citizens who composed the meeting of the 7th of January should be fully complied with, and the pledge then given, faithfully redeemed. The board has scrupulously guarded against appropriating any part of this fund, towards any other object than that for which it was subscribed.

The entire suppression of street begging; by which means many live upon the public, the only cause of whose poverty is either indolence or vice; is a result ardently desired by the society; and an attempt to attain it was made during the past winter, by soliciting house-keepers to withhold all aid from common paupers, and to give their broken victuals to persons employed by the society to collect it. The provision thus obtained, being placed at depots conveniently situated; those persons who were found by the visitors to be in want, and deserving, were allowed to draw a supply, sufficient for their immediate necessities. Under the existing circumstances, it was deemed best to close these depositories at the conclusion of last month. The subject is one which is attended with difficulties, and demands patient experiment.

The board has been aware that in order to give full effect to the system of visitation, and of inspection into the habits and resources of the poor; it is necessary to obtain the services of gentlemen who are willing to afford prompt assistance when called upon by the lady visitors of the different sections; as well as carefully to attend to all such cases as properly claim their exclusive attention. The subject was early given in charge to a large committee, who have made some progress in procuring the services of suitable persons; but owing to the number of subjects, which in the organization of such an institution as this, necessarily present themselves for immediate attention; this has not yet received the full share which its importance demands, and which will hereafter be given to it.

No sooner did the visitors commence their labors, than it became obvious, that the establishment of an office of reference, and the appointment of a qualified agent, were indispensably requisite. A suitable person has been accordingly selected, who, it is expected, will shortly enter upon the duties of his office, at a salary of eight hundred dollars per annum.

The constant complaints which are made by the indus-



trious poor, of the difficulties which they experience in procuring work that will yield them adequate means of support; have induced the board to take the subject under consideration, and a committee now stands appointed, charged with its investigation, and in conjunction with a committee of the managers of the Ladies' branch, to devise some plan by which the poor can obtain more permanent and lucrative employment.

In conclusion, the board cannot but express their conviction, that experience will establish the correctness of the principle upon which the society is founded; and that in proportion as its plan of operation is carried into practice; it will be found competent to effect the object for which the association was formed; and to realize the most sanguine anticipations of its members. They would therefore earnestly impress upon the attention of the visitors, the necessity of unrelaxed exertions, in order to awaken within the minds of those, who have been accustomed to rely upon public charity for the relief of their wants, a spirit of industry and honest independence; and to point out to those who are disposed to provide for the future, the best means for increasing and husbanding their resources. The distribution of the public alms, confided to the visitors during the past winter; although altogether an adventitious duty, has, we trust, by the judicious manner in which it was performed, gained the confidence of, both those who gave and those who received; and we hope that the feeling of gratitude and respect which has been created in the minds of those, who constitute the class which we desire to benefit, may be cherished and increased by the conviction that the pertinent advice, and kind assistance of the visitors, are of far more permanent value to persons in their situation than the gift of either food or clothing.

All which is respectfully submitted.

THOMAS C. JAMES.

*President.*

JAMES J. BARCLAY, *Secretary.*

Philadelphia, April 16, 1832.

#### REPORT OF THE MANAGERS OF THE LADIES' BRANCH OF THE UNION BENEVOLENT ASSOCIATION.

In presenting their first quarterly report to the Executive Board of the Union Benevolent Association, the managers of the Ladies Branch desire it to be borne in mind, that the District committees were necessarily organized at different periods, and that some have met with greater obstacles in the performance of their duties than others. This latter remark applies particularly to Southwark.

A principal object with the visitors is, to ascertain the employment to which the poor have been trained, or which in their actual condition they can pursue, with most advantage to themselves. This information is essential in order to carry into full effect, what the Board deem the fundamental principle of the Association, viz. to make the resources of the poor available to the supply of their necessities. We are aware that some are disposed to think these resources of too little moment, to deserve serious consideration or effort—we think differently. Skill in any of the useful arts, and strength to use it; in short, the natural capabilities of poor persons, even when in a degree impaired, and the immature faculties of children, may be turned to useful account, and the employment itself will add to the actual enjoyment of the individual. Besides, it will always yield that satisfaction, which results from the consciousness that the fruits of industry are possessed by right of ownership. There are cases of great, though not entire helplessness, where persons infirm from age, or debilitated by long disease, may yet be able without injurious or painful effort to engage in many kinds of use-

ful industry. Another class of paupers owes its origin, not to want of ability or to aversion to effort, but to want of employment. To these, the most acceptable relief which can be given, is to put them in the way of self support. Add to this, those who through improvidence, want of management, voluntary idleness or intemperance, have thrown themselves a burthen on the public—to these, the most suitable, if not the most acceptable relief, is to point out the mode, or give them the means of exertion, and if this does not suffice, they are fitter subjects of the police, than of public or private charity. In aid of the two last classes of persons, the want of a reference office has been sensibly felt. Your visitors have in very many instances ascertained the capabilities of their poor, but have been obliged to sink them a little lower by alms-giving, being utterly unable to point out to them any mode of employment, owing to the absence of some efficient medium of communication with the public: such a medium, as the contemplated reference office, where names can be entered, the kind of work done, the degree of skill, &c. The infirm poor require a different kind of provision, and this subject the Board would commend to your serious consideration. Most of your visitors, about 412 in number, have been zealously and faithfully engaged in this work. This number of visitors is, exclusive of a board 15 managers, and perhaps of about one-half of the members of eighteen district committees, composed of six individuals each, who have under their care the twenty-two districts of the City, Liberties, Southwark, and Moyamensing. The following reports, though they are not as full and complete as the visitors desire, and hope to present at a future day—will speak louder than any comment of the Board.

**CITY PROPER.**—The visitors of the District No. 1, (from Vine to Chesnut and Delaware to Sixth,) held their first meeting on the 30th day of December, 1831. The district is divided into 9 sections, and has 34 visitors:

163 Families are under the visitors' care.

42 Widows.

14 Individuals have been provided with work.

3 Persons deposit weekly in the "Fuel Saving Society."

238 Children are under care of the committee, to procure places for, or put to school.

78 Children have been placed in schools by the visitors.

146 Of the above-named families have been relieved, principally with wood and old clothing.

41 Of the above number have been supplied from the provision room.

Aid has been received from the "Female Association for the sick and infirm poor:"—Also, from the "Female Association for the relief and employment of the poor:"—Also, from the "Catholic Society:"—Also, from the "Guardians of the poor." A small stock of clothing has been provided by this committee to be loaned to the sick.

Causes of impoverishment—sickness, dissipated habits, want of employment. Ninety-five quarters of wood have been distributed—Thirty-five dollars have been received from the Union Benevolent Association—Fifty cents remain on hand.

No. 2, (From Chesnut to Spruce, and Delaware to Sixth,) visitors held their first meeting on the 26th day of December. The district is divided into 5 sections, and has 12 visitors.



- 92 Families are under care.
- 26 Widows are of this number.
- 57 Of these families are Irish.
- 6     "     "     English.
- 7     "     "     Americans.
- 2     "     "     Coloured.

Reports from only three sections state, 22 sober and industrious—13 infirm.

- 15 Persons have been furnished with employment.
- 129 Children under care.
- 81 Placed at school.
- 16 Placed in families, at trades, and sent to sea.
- 35 Families relieved—Provision room kept open but a short time, as there were but few applicants.
- Principal cause of impoverishment—intemperance.
- 42 Quarters of wood distributed, and twenty-five dollars.

124 Families in the district disposed to aid the association.

No. 3, (From Spruce to South, and Delaware to Sixth,) visitors held their first meeting in December. The district is divided into 14 sections, and has 37 visitors.

- 82 Families under care and relieved.
- 16 Individuals furnished with employment.
- 19 Adults placed at school.

Two dollars and sixty cents deposited in the Fuel Saving Society.

- 15 Children placed at school.
- 2 Bound out.

Five dollars twenty-five cents paid by the poor for wood. A work room has been opened, and a number supplied with sewing. The committee are now prepared to give recommendations to seamstresses. They have endeavored to interest some of the inhabitants of their district in the work room—and 15 have promised to furnish the poor of their own district with such work as they put out. "Some of the visitors have found it useful, when they have discovered the clothes of the poor pawned, to redeem them at once themselves, but to be as particular in demanding the payment of the debt,—as the pawnbroker would have been,"—of course, without interest. This course is strongly opposed by the pawnbroker. In a few instances the poor have expressed themselves thankful to the visitors for redeeming their pledges.

No. 4, (From Vine to Chesnut, and Sixth to Twelfth street,) visitors held their first meeting on the 28th day of December. The district is divided into 28 sections, and has 39 visitors.

- 77 Families relieved.

Aid has been given from Miss Whitall's school fund.

- "     Doreas Society.
- "     Guardians of the poor.

- 39 Quarters of wood have been distributed.
- Twenty-five dollars received from the U. B. A.
- Employment is much wanted.

No. 5, (From Chesnut to Spruce, and Sixth to Twelfth,) visitors held their first meeting on the 26th day of December. The district is divided into 12 sections, and has 44 visitors.

- 587 Families under the care of the visitors.
- 12 Persons provided with employment.
- 9 Adults placed at school.
- 30 Individuals deposit weekly in the Fuel Saving Society.

- 4 Adults placed at service by visitors.
- 112 Children placed at school by visitors.
- 2 do. placed in families by visitors.

Between four and five dollars have been received from the poor for wood.

196 Persons have been supplied from the provision room, most of whom have been aided in other ways. The provision room has supplied the 5th and 12th districts—which are both under the care of one district committee.

31½ Cords of wood have been distributed in these two districts. Fifty dollars were received for the use of the two—twenty-five for each. Twenty-three dollars, twenty-nine cents have been expended. A vigorous effort was made to interest all the house-keepers in this district, in the association. The result has been gratifying, the wealthier inhabitants have, with very few exceptions, expressed an interest in it, and are willing to assist as far as in their power.

No. 6, (From Spruce to South, and Sixth to Twelfth,) visitors held their first meeting on the 27th day of December. The district is divided into 6 sections, and has 15 visitors.

- 424 Families under the notice of visitors.
- 61 Deposit weekly in the Fuel Saving Society.
- 32 Children placed at School by the visitors.
- 6 Children placed at service.
- 85 Families relieved.

From 15 to 40 supplied three times a week from the provision room, which was kept open 10 weeks, at an expense of \$10.

56 Quarters of wood have been distributed among 71 families. Thirty dollars received and expended. Thirty families in the district gave old clothing—Employment much wanted.

No. 7, (From Vine to Chesnut, and Twelfth to Schuylkill Sixth,) visitors held their first meeting in January. The district is divided into 7 sections, and has 16 visitors.

- Many children have been placed at school.
- Some do. in families.

- 1 Person has deposited in the Fuel Saving Society.
- 1 Dollar 75 cents has been paid by the poor for wood.

\$30 received from the U. B. A.—\$6 95 still remain on hand.

- 44 Quarters of wood received.
- Aid received from the Doreas Society.
- do. from the Society for the relief and employment of the poor.
- Clothing received from the district.

No. 8, (From Chesnut to Spruce and Twelfth to Schuylkill Sixth,) visitors held their first meeting January 5th. The 8th district is divided into 5 sections, and has 9 visitors. No. 8, and 11, (from Chesnut to Spruce and



Schuylkill Sixth to Schuylkill,) are under the care of the same district committee.

110 Families visited and relieved in these districts.

152 Children under the care of visitors.

1 Deposit in Fuel Saving Fund Society.

Cause of impoverishment—Intemperance.

House-work very much wanted.

Received from the U. B. A. forty-five dollars; also, five from the Methodist Providence Society. The visitors have been almost constantly employed in visiting and relieving the sick.

No. 9, (From Spruce to South, and Twelfth to Schuylkill Sixth,) visitors held their first meeting in February. The district is divided into 7 sections—five of these are supplied with visitors, ten in number.

25 Families relieved—no further report.

No. 10, (From Vine to Chesnut and Schuylkill Sixth to Schuylkill,) visitors held their first meeting in February—the district is divided into 5 sections, and has 11 visitors.

1 Family relieved to the amount of 25 cents. The poor in this district are generally industrious, and bear a good character, with the exception of a few families living in Welch row. The visitors found several females confined to their houses by sickness and infirmities, who were desirous of obtaining employment. Having no immediate use for the sum of ten dollars placed at their disposal by the board of managers, they invested part of it in materials for the employment of these poor. Those in health, and capable of doing rougher work have not the benefit of this arrangement.

No. 11, Under the care of No. 8.

No. 12, (From Spruce to South, and from Schuylkill Sixth to Schuylkill,) under the care of the district committee No. 5,—is divided into two sections, and has five visitors.

90 Families visited; the number relieved are blended with those of the 5th district.

The visitors of this district found a large number of children living in idleness and ignorance. They endeavoured to place them in public schools. Their remote situation was an objection; the schools were also so crowded, that they could not be admitted. Feeling for the destitution of these children, and assured that any influence over their parents was to be gained through them, they applied to the Secretary of the board of controllers of public schools, for some provision for this district. Owing to recent arrangements, in other parts of the city, the visitors were informed that nothing could be done this year. Here a question arose,—shall we wait another year, and allow these children to make twelve months progress in ignorance and vice, or shall we open a school, and under Providence, trust to the liberality of the friends of education, for its support? The question was soon decided: and now on the banks of the Schuylkill, between 80 and 100 children are collected together for the purpose of instruction. The little meeting house belonging to the Baptist church under the care of the Rev. Mr. Brantley, has been gratuitously granted for the use of the school,—a stove and fuel has been given. The school is entirely under the management of three

visitors, to whom it owes its existence—although all the visitors of the 5th and 12th districts, feel a local interest in it, and aid in collecting for its support. Any collections made are altogether independent of the U. B. A. The average attendance is between 50 and 60; the visitors report, that in all cases, absence, has been occasioned by sickness. The visitors of this district have been so much engaged in gathering children into school, and superintending its concerns, that they are not prepared to report on any other subject this month. Prevailing vice—intemperance.

#### NORTHERN LIBERTIES.

No. 1, (From Vine to Coates street, and Delaware to Third,) visitors held their first meeting in December—the district is divided into 25 sections—is supplied with 41 visitors.

Number of families not reported.

2 Children put to service.

1 Individual employed. The attention of the male visitors, is reported as being very much needed in this district—no further report.

No. 2, (From Coates street to Cohocksine Creek, and from Delaware to Third,) visitors held their first meeting in February. The district is divided into 15 sections—has 25 visitors.

No. 4, (From Coates to Cohocksine creek, from Third to Sixth,) is under the care of the same committee; has 12 sections, and 18 visitors.

166 Poor persons visited.

82 Adults.

84 Children.

13 At school.

4 Placed at school by visitors.

3 Placed at service by visitors.

The want of employment is so obvious in this district that materials have been purchased to provide those with work who are least able to make exertions for their own maintenance—visitors are much encouraged.

No. 3, (From Vine to Coates, and from Third to Sixth,) visitors held their first meeting in December.—The district is divided into 7 sections and is supplied with 13 visitors.

40 Families have been relieved, most of whom were sick.

3 Children were rescued from an intemperate mother.

3 Adults prevailed on to go to service.

In some of the poor of this district, there is a disposition to co-operate with the visitors in the means most effectual to raise them from the paths of degradation and poverty, others have attempted to impose themselves under different names, representing themselves as in a state of starvation while under the care of visitors of different sections of the same district.

Thirteen dollars and fifty cents of the U. B. A. money still on hand.

No. 4, Under care of committee No. 2.

#### SOUTHWARK.

No. 1, (From South to Catharine, and from Delaware to Third,) visitors held their first meeting in Jan-



uary. The district is divided into 7 sections, and has 13 visitors.

18 *Sick persons* visited and relieved—whole number visited, not reported.

1 Individual provided with employment.

8 Children placed at school by visitors.

Several have commenced deposits for Fuel Saving Fund. Old clothing, with \$9 57 has been received in the district, for the use of the district;—twenty-seven persons have promised to aid the association.

No. 2, (From Catharine to Federal, and Delaware to Third,) visitors held their first meeting on the 20th of January. The district is divided into 12 sections and has 22 visitors.

44 Families visited, (as far as reported.)

14 “ relieved, (as far as reported.)

1 deposit in the Fuel Saving Fund Society.

Employment much wanted.

Children kept from school for want of decent clothing. A number in the district willing to aid the association.

No. 3, (From South to Catharine, and Third to Passyunk road,) visitors of the 3d district, held their first meeting on the 26th of January. The district is divided into 9 sections, and has 16 visitors.

76 Families visited.

27 “ relieved.

97 Children under care, of these but 17 are at school, prevented by want of necessary clothing.

4 Placed at service.

3 Weekly deposits for Fuel Saving Society.

Aid received from Methodist Dorcas Society, also from Fireside.

No. 4, (From Catharine to Federal, and from Third to Passyunk road,) visitors held their first meeting in January. The district is divided into 9 sections, and has, at present, but six visitors.

5 Families have been relieved, (reports from but two sections.)

The money received from the board of managers is still on hand.

**MOYAMENSING.** Under the care of one district committee, visitors held their first meeting in February. Moyamensing is divided into 15 sections, and has but 26 visitors.

708 Families visited.

182 Of this number are colored.

943 Children reported.

93 Children placed at school by the visitors.

12 “ placed in respectable families.

6 Deposits in the Fuel Saving Fund Society.

125 Families relieved.

47 Quarters of wood given.

Fifty-five dollars received; *forty-three dollars eighty-seven and a half cents* expended. Many children need a little clothing to enable them to attend school—several impostors have been discovered—*four* in one section. Those who have been in the habit of supplying their wants, have been made acquainted with their characters. Your visitors meet with a great deal of vice and improvidence in this district, but notwithstanding, they ex-

press themselves “encouraged to proceed in an enterprize which bids so fair to better the condition of society.”

By this statement it will be seen that 2669 families have been visited—1,068 families relieved—61 adults employed—28 adults placed at school—50 children placed in respectable families, at trades, or sent to sea—501 entered at schools, and 106 individuals have deposited in the Fuel Saving Society. This is a very imperfect statement of labour performed. The reports, (as it has doubtless been observed) are by no means complete—and yet perhaps they are as much so as they could be in so early a stage of the society. In some instances, whole districts have not reported on many important items, and in every district, whole sections have made no reports. The Board are aware that the number of families relieved, may lead some to suppose we have departed from the leading principles of the association: Not so—we have endeavoured to keep them steadily in view, but this society commenced its operations in the midst of a very severe winter. Your visitors have to deal with a people who are accustomed to *demand* alms as their right. This can be clearly proved—let one fact suffice. A visitor said to a parent who had asked for aid, but who kept an idle family about him, that so long as he refused to have his children put at places of employment, she could do nothing for him. He replied, that she was *obliged* to aid him; that it was her *duty* to do it. By withholding, she, however, convinced him, that her ideas of duty did not coincide exactly with his. The Board consider the efforts of the visitors during the approaching summer as all important to the society. There is a dependence upon public charity, among many of our poor, which has well-nigh destroyed all noble and virtuous feeling, and almost closed every avenue through which incentives to industry might be presented. But there is, humanely speaking, an amount of power, in the plan of *local* effort, which your association has adopted; which, if persevered in, will prove that, by the simple elements of advice, attention, civility and good will, conveyed through the tenements of the poor by persons a little more elevated in situation than themselves, the long dormant spirit of independence may be revived, and the sturdy beggar, by the blessing of the Most High on these means, become the industrious citizen. At least, the rising generation may be rescued from degradation. Your visitors have generally been well received, and in some instances their advice has already resulted in a visible improvement; with but few exceptions, they have also met with the cordial co-operation of the residents of their districts, whom they have endeavoured to interest in the plan. The subject of provision rooms has claimed attention in several of the districts. Fragments from the tables of those who were willing to have them so disposed of, have been collected and taken to the rooms, where the poor who are recommended by their visitors, have had the privilege of calling for them. Upwards of 300 families, it is believed, have been supplied in this way. A fact has been communicated to the Board, which is deemed worthy of consideration, and is therefore submitted without further comment. A number of poor coloured people living in the same neighborhood, in a particular part of our city, are almost constantly in a state of inebriation. Their occupation is, begging cold victuals, which they sell to the poor in their vicinity at the rate of two cents per dish. No sooner is the stock of cold provisions exhausted, than the pence are converted into whiskey, and these poor degraded beings continue in a state of intoxication, until it becomes necessary again to sally forth in quest of the means of their destruction. This business is not confined to one particular part of our city. Such facts as these may account for the existence of *sixteen* tippling shops in one square.

The subject of *employment* has claimed the attention of the Board. Many of the poor pass their winter



months in almost entire idleness, and the plea that they *cannot get work* will be plausibly urged, not only by those who wish to obtain it, but by the lowest class of poor who make it their screen for idleness and dependence. Until employment can be offered, and facilities furnished for disposing of the work of the poor, our system of operations, will not, we think, be complete. The sum of \$200 was placed at the disposal of the Board of Managers for the use of the city proper, on the 4th of February last. One hundred and twenty dollars was divided between the 12 districts of the city proper. According to a subsequent resolution of the Executive Board, the remaining eighty was apportioned to the Northern Liberties, Southwark, and Moyamensing.

In conclusion, we would in all our works acknowledge the hand of that Almighty Being who has thus far succeeded our efforts beyond our most sanguine expectations.

By order of the Board,  
ELIZA P. S. JONES,  
Secretary of Ladies' Branch of Union  
Benevolent Association.

April 10th, 1832.

#### REPORT OF THE COMMITTEE OF SUPERINTENDENCE.

The committee appointed by the Executive Board of the Union Benevolent Association, to superintend the distribution of the funds raised for the relief of the poor, in accordance with the resolution of a meeting of the citizens of Philadelphia, held at the county court room on the 7th day of January 1832, having completed the duties assigned them, beg leave to lay before the board, the following report of their proceedings.

It is unnecessary to remind the board, that the great object for which this society was established is the diminution of pauperism and its attendant evils, rather than the dispensation of alms. It was believed by those to whom the association owes its origin, that, by a personal intercourse with the poor, by obtaining their confidence and extending to them cheering counsels, and a knowledge of the fitting means to extricate themselves from the state of degradation, of want, and of suffering, to which the vices of others, their own folly and imprudence, or, perhaps, unavoidable misfortunes may have reduced them, it would be possible, in a great measure, to destroy pauperism, and to relieve the public from the heavy burthen incident to its support. That in these views they have not been deceived, the success which has attended the efforts of the society during the short period it has been in existence, and notwithstanding the many difficulties with which it has had to contend, is a sufficient evidence.

The organization of the society was completed, however, too late in the season to permit all the plans contemplated by it for ameliorating the condition of the poor, being carried into full effect. Its committees commenced their duties of visitation in the very depth of an unusually severe winter, and during the prevalence of an epidemical disease, by which whole families among the laboring classes were not unfrequently deprived of their ordinary means of support. They were soon convinced, that it would be necessary for them either to obtain the means for relieving the distresses and suffering to which the poor were subjected from cold, sickness and hunger, or to abandon until a more favourable opportunity, the grand objects which they had in view. Under these circumstances, the members of the society conceived it to be their duty to call the attention of their fellow citizens to the state of the poor, in order that the proper measures might be taken for their immediate relief. A meeting was accordingly convened, at the county court room on the 7th day of January last, at which the following resolution was unanimously adopted:

"Resolved, that this meeting agree in opinion

with the said Association, that at this time of peculiar affliction from sickness and the severity of the season, it is proper to make an appeal, in behalf of the poor, to the benevolence of the community:—that they believe, that owing to the organization of this Society, and through their committees, relief can be administered to the suffering with greater judgment and effect than through any other channel: And that for this purpose it is proper that committees to make collections be appointed in the different wards and districts of the city and county:—and that the means thus collected be paid to the Treasurer of said Association, to be distributed under their direction."

To superintend the distribution of the funds raised in accordance with this resolution, the present committee was immediately appointed by the executive board of the association, and entered upon the discharge of its duties without delay.

In distributing the funds committed to its charge, the committee has endeavoured with all possible care to apply them in such a manner as most effectually to relieve the existing distress, and at the same time to further the objects of the association, by placing within the reach of the poor the means of obtaining, in future, their own support, through habits of industry, frugality and temperance.

In the fulfilment of these duties, the committee has received the most efficient aid from the several committees of the Ladies' Branch of the association. It is indeed by their zealous co-operation, that it has been enabled fully to redeem the pledge given to the public, that no portion of the funds committed to the care of the society, should be distributed until after a personal inquiry into the character and situation of those for whose use they were intended. In this manner the committee has been enabled more generally to prevent imposture, and to produce with the expenditure of a small sum, a more extensive, and they have reason to believe, permanent amount of good, than could otherwise have been done.

The whole amount that has been paid into the hands of the treasurer of the association, who is, also, the treasurer of this fund, by the several collectors appointed by the town meeting, is \$4196 98; of this \$2,053 64 was received previously to the 23d of January, \$621 36 between the 23d and 30th, and the remainder at different periods subsequently.

Your committee having ascertained from the visitors of the society, that the greatest amount of suffering among the poor, and that which they had it least within their power to relieve, was produced by the deficiency and high price of fuel, accordingly purchased without delay, one hundred cords of oak wood, which were distributed by the visitors of the respective districts, in portions not exceeding one quarter of a cord, to such families as were found to stand most in need of it. The hauling and sawing were in all instances contracted for by the committee, so that the wood might be delivered free of all expense to the poor. Subsequently, other purchases of wood were made, amounting altogether to 167½ cords. The whole amount of wood, therefore, purchased by the committee for distribution among the poor is two hundred and sixty-seven and a half cords. Five tons of coal were likewise received as a donation, a part of which was distributed to such poor families as were found to possess conveniences for burning it. In some few instances the visiting committees found that the best means of extending relief, was to sell to such families as stood in need of it, a portion of wood at a low price, and to appropriate the money thus obtained to others whose circumstances were less favorable.

To supply such as stood in need of it with food, \$25 were appropriated to the northern, and the like sum to the southern soup houses, by the managers of which, tickets for soup were issued to persons recommended to these institutions by the visitors of the society. Rooms were also opened in several of the districts where cold



victuals, collected from such families as were able and willing to furnish it, after being suitably prepared, was distributed to the poor who called for it. In this manner, at a trifling expense, a large number were supplied with wholesome and palatable food, who must otherwise have suffered from hunger.

Various small sums of money amounting altogether to \$1000, were placed at the disposal of the visiting committees of the Ladies' branch of the association, to be by them appropriated in such manner as they should deem best adapted to relieve the immediate necessities of the poor within their respective districts. The committee cannot speak in too high terms of the prudence and judgment which the Ladies have exhibited in the distribution of the funds thus placed in their hands.

In one or more districts, to relieve the existing distress, in certain cases, little more was found to be necessary than to redeem articles essential to comfort which had been pawned for a trifling sum; with the understanding, however, that the individuals for whom the articles were redeemed should re-pay the visitors, at their convenience, the amount for which they had been pledged.

In order to show the fidelity with which the trust confided to the society by the public has been fulfilled, it is proper to remark, that so far as detailed reports have been obtained, the number of families which have been visited by the ladies' committees alone amount to 2669; to 1068 of which relief has been extended, independent of which, for 61 adults permanent employment has been obtained; 28 adults have been placed at school; for 50 children situations have been procured in respectable families; 501 have been entered at school, and 106 individuals induced to make deposits in the Fuel Saving Society. From several sections no reports have as yet been received, and in some of those that have been furnished, details are omitted.

Notwithstanding the great amount of suffering and want to which relief has been afforded by this committee—notwithstanding, also, it has been enabled in a far greater number of instances than could have been anticipated, to reclaim the pauper from habits of indolence, improvidence and vice, and to place him in a situation where he may become a decent and useful member of the community, yet in consequence of the regular system by which the committee has endeavoured to direct its operations and the exertions it has invariably made to teach the poor to help themselves, rather than depend upon the public charities; all this has been effected with an expenditure of money far inferior to what has been the case on former occasions. Of the funds collected this year for the relief of the poor, there remains in the hands of the treasurer a balance still of \$1008 27 to be appropriated by the society on some future occasion, in accordance with the wishes of those by whom the funds were contributed. The committee have reason, however, to believe, that had the whole amount been collected and paid into the hands of its treasurer without delay, it might all have been very advantageously expended.

It is proper to observe, that the only expenditure not made *directly* for the relief of the poor, is the sum of \$5 00 paid for printing orders without which it would have been impossible to distribute the wood with any degree of regularity.

The annexed statement of the account of the treasurer will present at one view the manner in which the funds placed in his hands have been disposed of.

PHILIP GARRETT,  
A. M. BUCKLEY,  
D. FRANCIS CONDIE,  
C. S. WURTS,  
MARMADUKE C. COPE,  
FREDERICK FRALEY.

Philadelphia, April 12, 1832.

THE COMMITTEE OF SUPERINTENDENCE IN ACCOUNT  
WITH F. FRALEY, TREASURER.

Dr.

April 30, 1832.—To Cash paid sundry Orders of the Committee, for distribution by the Visitors of the Society, in the City, Northern Liberties, and Moyamensing	1000 00
To Cash paid sundry Orders of the Committee for 267½ cords of Wood, and the Expense of Hauling and Sawing the same.	2159 71
To Cash paid for Printing 2000 Orders for the delivery of Wood.	5 00
To Cash paid Northern and Southern Soup Houses.	50 00
To Balance in the hands of the Treasurer.	1008 27
	<hr/> \$4222 98

CONTRA

Cr.

April 30, 1832.—By Cash from the Treasurer of the Union Benevolent Association, being the amount placed in his hands by the Collecting Committees.	4196 98
By Cash for 3½ Tons of Coal, sold, being the balance of a Donation of 5 Tons.	26 00
	<hr/> \$4222 98

May 1.—By Balance remaining in the hands of the Treasurer, this day subject to the payment of some small bills, estimated to amount to \$20	\$1008 27
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Errors excepted.

F. FRALEY, Treasurer.

PHILADELPHIA, May 1, 1832.

REPORT

Of the Board of Managers of the DELAWARE AND HUDSON CANAL COMPANY, to the Stockholders, March 6, 1832.

In presenting an exhibit of the affairs of the company, it is alike the disposition and duty of the board, to place the condition and prospects of the institution, distinctly and candidly before the stockholders, so that every one may with confidence, draw his own conclusions, as to the value of the property he holds. The Board believe that there is much in the review of the past, as well as in the anticipation of the ensuing year's business, to dispel doubt, and confirm the anticipations that have been entertained in relation to the success and prosperity of the institution.

The first and most important object that claimed the attention of the board, in entering on the business of the year, was to borrow, on the credit of the company and a pledge of its property, a sum adequate to the discharge of its debts, and the prosecution of its business as a Canal and Coal company, pursuant to authority given at a special meeting of the stockholders on the 23d of March, 1831. Owing to the depressed state of the credit of the company, it was found impracticable to accomplish this on terms so favourable as the state of the money market at that time would otherwise have justified the board in expecting. A loan of \$320,000 for seven years from the first of April last, at an interest of six per cent. per annum, was, however, finally effected, on which the company received a small premium.

After applying the amount of this loan to the extinguishment of the debts and liabilities of the company, there still remained a balance of \$75,500 against it.—The company, however, had, by estimate, 18,000 tons of coal at various places of deposit on tide water; believing that, with the facilities which this would furnish, and other available means of the institution, it would be practicable, successfully to prosecute the year's busi-



ness, the board deemed it inexpedient, especially on terms so unfavourable, to avail itself of the permission of the stockholders to extend the loan to \$400,000; and they have the satisfaction to say, that in this expectation they have not been disappointed. The result of the year's business puts it in the power of the company, to extinguish the whole amount of its debts and liabilities, and it will still possess abundant means for the prosecution of the business of 1832.

Believing that the best interests of the institution would be promoted by applying all its resources, and devoting the time and efforts of all connected with it, exclusively to the primary object of its incorporation—the coal business—until that should be placed on a firm footing, the board embraced a favorable opportunity that presented, to let, for two years, so much of the banking-house of the company, as was not requisite for its own accommodation. To this step the board felt more strongly inclined, from the fact, that in addition to the general depression and languishing condition of the coal-trade, the company had yet to encounter a considerable amount of public prejudice, in relation to the quality of its coal, created by the acknowledged inferior character of the surface coal brought to this market in 1829. It was believed that much might be done, not only to subdue and dispel the error into which the public had been very naturally led, by this unfair and unfortunate specimen of Lackawana coal, but also to extend and increase the market for anthracite generally—a matter then indispensable to the prosperity of this, and every other company dependent for success on the consumption of this article.

These two objects were therefore deemed of sufficient importance to claim, for a time, the exclusive and unremitting attention of the board of officers of the institution: and the better to insure success, a skillful and efficient agent was employed to visit every manufacturing establishment in this vicinity in which fuel is used to any considerable extent, and point out the means of using, and induce a trial of Lackawana coal. The result of these efforts has been gratifying and encouraging beyond the most sanguine anticipations of the board. The efficiency and economy of this fuel, in the various branches of manufactures and the mechanic arts, has ceased to be a question; for into most of them, as pursued in the city and county of New York, it has been introduced, by the agent employed by the company, to the entire satisfaction of the proprietors of these numerous establishments, who frankly admit the preference to which it is entitled, over the fuel that they had been accustomed to use.

In generating steam particularly, it is found to have decided advantages; and in connexion with these efforts to increase the consumption on shore, the board have not been insensible to the importance of inducing the use of the coal in steam-boats. In this, (though attended with more difficulty,) considerable progress has been made; at three of the city ferries on the East, and one on the North River, Lackawana coal has been for some time, and still is used in their boats, with entire success; and at another they are preparing to adopt it as their fuel.

During the summer and fall, it was also used with advantage in two or three steam-boats belonging to this port; and it is understood that the example of these boats will be followed by others that have prepared for it during the winter. Although what has been done, should perhaps be considered rather as an experiment, and susceptible of much improvement, yet the attention of those interested in steam navigation, has been drawn to the subject in such a way, as to warrant the conclusion that anthracite coal will ere long become the common fuel of steam-boats.

The board have the satisfaction to know, also, that the prejudice against Lackawana coal, to which allusion has already been made, is fast giving way to a more just appreciation of its value as a fuel for domestic use; and

they entertain no doubt but that its intrinsic excellence will finally give it the same high reputation in this market which it has uniformly possessed in every other, where it encounters and sustains a successful rivalry with the several varieties of anthracite coal.

As a general result it may therefore be stated, that a large portion of the Lackawana coal vended during the past season, was consumed in manufacturing establishments and steam-boats. For these purposes it has deservedly acquired a reputation, that will hereafter insure for it a large market among this numerous class of consumers while it is steadily advancing in public favor as a fuel for the house grate. Under these circumstances, the Board say with confidence, that the stockholders may dismiss all apprehension as to a market for their coal; the demand will hereafter keep pace with the supply.\*

Operations on the rail-road commenced on the 20th day of March, and continued without intermission, or any accident of sufficient consequence to deserve mention, until the fifth of November, during which period 54,328 tons of coal passed over the road. It continues to answer all the anticipations of the board, and justify the opinions of the able engineers under whose supervision it was constructed.

The canal was opened on the first of May, and continued open until the first of December, when the navigation was unexpectedly terminated by the frost. During this time about 52,578 tons of coal were shipped from Honesdale; of this quantity 51,578 tons reached Rondout; the residue was locked up in the ice at Honesdale, and other points on the canal. The quantity thus thrown into the market might and would have been considerably increased, could the board have foreseen in time that there would be a demand for it. But the large stock of anthracite coal in the market in the spring of 1831, (of which this company held about 18,000 tons,) made consumers indifferent about purchasing early in the season, and rendered it very difficult for the board to decide to what extent sales could be effected. It was deemed most prudent to err on the side of caution, and to permit the supply to fall short of the demand than to exceed it. To this principally, and not to any want of capacity in the works of the company for a larger business, is to be attributed the inadequate stock of Lackawana coal during the past season.

Although the canal was subjected to severe tests by storms and high floods, during the spring and fall, yet it sustained comparatively little injury; nor was there any interruption to business on it, except for 3 days in September, at the Delaware dam, when a violent storm and the height of the water during that time, rendered it unsafe for boats to cross the river. This fact furnishes the best commentary on the strength and durability of the work. On both the rail-road and canal, the expense of superintendence and repairs for the year, is within the estimate furnished by the engineers.

The amount of tolls received on the canal during the year was \$19,324 05: this is less than the sum anticipated by the board, which is, in part at least, to be accounted for, by the sudden and unexpected interruption of the navigation by the frost. The tolls upon the rail-road amounted to \$1,160 59.

The annexed statement marked No. I. shows, as the result of the coal business for the year, a balance of \$40,186 18, in favor of the company, after paying interest on loans and all expenses, and a clear profit of \$34,183 50, after deducting doubtful debts. The total amount of sales of coal was about 70,000 tons.

To ascertain the profit and loss, it will be perceived

\* From the spring of 1830, to the spring of 1831, the total consumption of anthracite coal was about 127,000 tons. From the spring of 1831, to the spring of 1832, the total consumption may be taken with safety at 228,000, and the market would have borne 20,000 to 30,000 more.



that the board have taken the stock of coal of 1831, as worth what, by the experience of this year, it would have cost the company to put a like quantity in the same places of deposit; and the year's business is credited with the proceeds of sale. It is to be remembered, however, that this stock was (in general estimation at least) inferior to the coal of 1831; and a considerable portion of it was actually and avowedly sold as second quality Lackawana coal, at a lower price than that obtained for coal mined last season. It may be well to remark also, that a very small portion of the whole quantity of coal included in this statement, was sold at the advanced price. Most of the stock was covered by orders before the advance took place.\* And it is yet more important to a proper appreciation of the statement of the year's business, to observe, that for the purpose of opening a market among manufacturers and steam boats, and increasing the consumption of Lackawana coal generally, the board deemed it expedient in the course of the year, to incur heavy expenses, and allow many drawbacks and bounties, amounting in the aggregate to a considerable sum, but to which the business will not hereafter be subject. Had it been practicable without incurring these expenses, to push the company's sales to the extent to which they have been carried, the balance of profits shown by this statement would have been greater by one-third.

When it is recollected under how many circumstances of depression and perplexity in the state of the coal market, the year's business was commenced, this result ought to be entirely satisfactory to every stockholder, as establishing the ability of the institution to make money, even under the most unpromising aspect of affairs.

While the managers present with great pleasure, a statement showing a clear profit of \$34,183 59, on the business of 1831, it will be observed that the previous operations of the company being experimental in their character, comparatively small in amount, and subject to heavy disbursements for interest and expenses, were attended with loss; they do not therefore feel justified in declaring a dividend of profits at this time.

The annexed statement marked No. 2, shows the present fiscal condition of the institution, upon which the board deem it unnecessary to offer any remark, except to reiterate the opinion already expressed, that the company possesses ample means for the prosecution of its business.

To the exhibit marked No. 3, the stockholders are referred for information as to the amount of capital employed by the company, and the mode of its investment. It is believed that the extent and value of the property represented by this capital will bear a comparison with any similar concern in this country. The canal and rail-road are found, by experience, to have been constructed with an enlightened and liberal economy, which will render the annual expenditure for preservation and repairs comparatively small. The coal lands of the company contain about 3,500 acres, selected at an early day, in one of the finest coal fields of Pennsylvania. The quantity of coal in them is fully adequate to the supply of any demand that may exist; and in this item of property alone, the company possess an unfailing source of revenue. To the town sites or village plots owned by the company, the stockholders may also look with confidence for a large accession to its means. In three of them, namely, Rondout, Honesdale, and Carbondale, the sales of lots amount to \$28,951 82. These sales, however, embrace but a very small portion of the three sites; the steady increase of population and business insures a market for the residue at an enhanced price. At Rondout, in addition to sales, leases have been granted on terms that yield an annual rent of \$1,592. The fourth site, Port Jarvis, has not increased in value so rapidly as the others. The sales at that place amount

to \$950. But the water power which the company there command by means of the Mongaup river, will, at no distant day, render this a position of much importance on the canal, and insure a large advance to the company on the purchase money.

In relation to the business of the current year, the board think, that there is much which should increase the confidence of the stockholders in the value of their property. The want of a sufficient market for coal, and the embarrassments of the company, have hitherto been the chief, if not the sole obstacles to its prosperity. Neither of these now exist. The company will be enabled to proceed with confidence and energy, in bringing its coal into the market; and the arrangements for so doing, upon an extended scale, and at considerably diminished cost, are already made. In the items of mining, canal and rail-road transportation the expense will be 40 to 50 cents a ton less than it cost the company during the past year. The board contemplate an early resumption and vigorous prosecution of business. Mining operations have been continued during the winter as far as was consistent with a judicious and economical application of labor and money to that object. A considerable quantity of coal will have been mined and prepared for transportation to the head of the canal, by the time business is resumed on the rail-road, which will be in the course of a few days. It is gratifying to the board to be able to say, that the quality of the coal continues to improve, as the mines are penetrated; the stock of this year will be found decidedly better than that of 1831.

The canal will be opened at as early a day as the season will permit, keeping in view the preservation of the work. The flood which in the latter part of January proved so destructive to property on many of the streams throughout the country, swept the ice with great violence out of the Delaware river. Some injury was thereby done to the apron of the Delaware dam, and the slope wall of the canal at Butler's falls: these, however, will be promptly repaired, at an inconsiderable expense, and measures will be taken to guard against a recurrence of a similar event hereafter. In other respects, the entire line of the canal escaped injury, and is in good order. The resources and wants of the country through which these improvements pass, are beginning to develop themselves. Various manufacturing establishments are about going into operation at different points on the line of the work, and a steady annual increase of tolls may be expected. Arrangements have already been made by individuals to pass 3,000,000 feet of lumber over the rail-road. Annexed is a statement marked No. 4, of the articles that have been transported on the canal during the year 1831.

In conclusion, the Board think that there is abundant reason to congratulate the stockholders on the present condition and future prospects of the institution: and while the board wish to be understood, as desirous of seeing the stockholders form their opinions, and draw conclusions, from their own scrutiny and investigation, rather than from any other source, yet under all the circumstances, the board deem it a duty to express their confidence in the ability of the institution, henceforward to remunerate its stockholders by dividends, for the patience and perseverance with which they have sustained it.

JOHN WURTS,  
President.

Office of the Delaware and Hudson }  
Canal Company, March 6, 1832. }

[No. 1.] *Statement of the Coal Business of the Delaware and Hudson Canal Company for 1831.*

Dr.

To coal of 1830 on hand, valued at what it would have cost to place it at the different deposits, viz:

5000 tons in Walnut st. yard	a \$4 00	20,000 00
3700 do. in Clinton st. yard	a 4 25	15,725 00

\* The nett proceeds of sale on the whole business of the year will average about \$4 80 1/2 per ton.



250 tons in Pelham st. yard (of 1829)	a 3 00	750 00
3170 do. at Boston, &c.	a 4 75	15,057 50
501 do. at Albany, &c.	a 4 25	2,129 25
6000 do. at Rondout	a 3 50	21,000 00
18621 tons.		\$74,661 75

Amount paid for mining coal,	46,341 22
do. paid transportation on rail- road,	\$23,340 24
Deduct tolls,	1,160 59

Repairs of rail-road,	4,306 41
Other expenses, including ropes for the planes,	3,734 52
Freight of coal to Rondout,	75,044 93
Labor, &c. at do.	3,989 65
Salaries at do.	2,094 43
Other expenses at do.	771 08
Expenses of steam-boat Rondout,	2,362 67
Repairs and superint'e of canal	\$36,828 27
Deduct tolls,	19,394 05
Less Collect's salaries 2,000 00	17,394 05

Salaries in New York,	19,454 22
Various expenses incurred in do.	6,913 33
Interest on 5 per cent loan,	1,638 48
do. 4½ do.	25,000 00
do. 6 do.	13,500 00
Discounts for anticipated pay't on coal,	9,000 00
Balance,	948 62
	40,186 18

	Cr.	\$352,107 14
By proceeds of sales, coal of 1830,		\$92,385 34
do. do. 1831,		246,888 15
Sales of coal, &c. at Honesdale,		1,003 76
1300 tons coal at Rondout, sold at \$5		6,500 00
2000 tons on canal, and at Honesdale, on which \$1 50 per ton, has been paid,		3,000 00
100 tons in Walnut street yard, sold to a manufacturer in Providence,		450 00
Rents received in 1831,		1,879 89
		<hr/> \$352,107 14

Balance,	40,186 18
In this balance are included two debts for coal sold, amounting to \$6002 68, which are considered doubtful, perhaps despc- rate, and therefore deducted,	6,002 68
	\$34,183 50

[No 2.] *Statement of the Funds of the Delaware and Hudson Canal Company, March 1, 1832.*

Notes in circulation,	\$42,446 00
Interest due on state loans,	402 95
Unpaid dividends,	793 00
Deposits,	28,149 60
Balance,	80,293 46

	Cr.	152,085 01
Cash on hand		8,602 55
Balance due from City Banks,		22,971 27
do. Country do.		242 66
Loans on stock, &c. payable on demand,		33,493 48
Discounted Notes, good,		6,033 87
Notes receivable, do.		24,016 08
Debts do. do.		32,725 10
Payments to be received on canal boats in 1832,		24,000 00
		<hr/> 152,085 01

Balance,	80,293 46
Payments made on account of the busi- ness of 1832, viz.	
Paid on account of mining coal,	8,500 00
Paid sundries for rail-road,	1,155 00
Paid for ropes for do.	4,500 00
	\$94,448 46

[No. 3.] *The Delaware and Hudson Canal Company.*

	Dr.	
To amount of capital stock paid in,	1,445,395	00
New York 5 per cent loan,	500,000	00
Do. 4½ do.	300,000	00
Six per cent. loan,	300,000	00
Temporary do.	25,000	00
Debts payable, of which a considerable proportion are credits for payments on account of village lots, &c.	8,481	28
	<hr/>	
	2,578,876	28

	Cr.	
By New York section canal,	\$1,405,804	97
Pennsylvania do.	579,129	80
Payments made on account of the canal, the accounts not yet adjusted,	7,812	55
Rail-road in Pennsylvania,	310,852	21
Real estate at Rondout, Honesdale, &c.	104,649	26
Debts and notes receivable, good,	82,022	85
Do. doubtful,	5,699	56
Due on canal boats, principally to be paid by freight of coal in 1832,	30,800	94
Packet boats,	3,712	90
Coal on hand at Rondout and New York, sold	6,950	00
Coal on canal and at Honesdale, on which has been paid	3,000	00
Steam boats, Rondout and Delaware,	12,382	40
Barges, Lackawana and James Kent,	8,341	18
Payments on account of mining coal and rail-road expenses for 1832,	14,262	48
Profit and loss,	3,455	18
	<hr/>	
	\$2,578,876	28

[No. 4.] *Statement of articles transported on the Delaware and Hudson Canal, during the year 1831, exclusive of coal.*

	Tons.
Merchandise,	5193
Manufactured lumber,	1156
Cement,	2941
Plaster,	1042
Hoop-poles and staves,	1003
Rough stone and brick,	537
	11,872

Cord Wood,	7,964 cords.
Lumber,	2,882,800 feet.
Shingles,	233,000

The real estate charged in the above statement, after reserving such portion as may be necessary.

From the Philadelphia Gazette.

PROCEEDINGS OF COUNCILS.

Tuesday, April 24, 1832.

SELECT COUNCIL.--Mr. DUANE as Chairman of the Committee on Will's Legacy, offered the annexed resolution, which was adopted by both Councils.

*Resolved*, That the Committee on Will's Legacy be, and they are hereby authorized to draw on the City Treasurer, from time to time, for such sums as may be



needful for carrying on the building of the Hospital for the lame and blind, directed by the late James Wills to be built, and that the sums so drawn for, shall be taken from, and charged to the Wills' legacy.

Mr. DUANE as Chairman of the Committee on the Girard fund, made the following report and resolutions, with a statement from the executors of the late Stephen Girard. The late resolution relative to a *Poudretta* was passed by both Councils, and Messrs. Groves, Fox, Wainwright, and Wetherill, were appointed the committee. The other resolution and statement were ordered to be printed for the use of Councils.

*To the Select and Common Councils of the City of Philadelphia.*

The Committee on Girard's Legacy, respectfully recommend to Councils the adoption of the following resolution, viz:—

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the executors of the late Stephen Girard be, and they are hereby authorized and requested, in their capacity as executors, to cause the square of ground between High and Chesnut, Eleventh and Twelfth streets, to be built upon and improved, agreeably to the plan, contracts and arrangements of the testator:—to employ and compensate all suitable agents—to contract for work and materials, and to pay for the same out of the funds that may be in their hands as executors, and that the receipts which they shall obtain for all payments made by them in the prosecution of the said improvements, shall be accepted by "the Mayor, Aldermen, and citizens of Philadelphia," as a part, to the amount of said receipts, of the residuary estate devised and bequeathed by the said testator, to the said "the Mayor, Aldermen, and citizens of Philadelphia."

The Committee beg leave further to state, that after they resolved to recommend the adoption of the foregoing resolution to Councils, they submitted a copy of the same to the executors of Mr. Girard, for the purpose of ascertaining their views on the subject, and received from the executors the communication hereto annexed, expressing their willingness to execute the trusts specified in the resolution.

APRIL 21, 1832.

Whereas, The Committee appointed by the Select and Common Councils of the City of Philadelphia, in relation to the trusts and duties created and enjoined by the will of the late Stephen Girard, have officially made known to the executors of the said testator, that they have resolved to recommend to Councils the adoption of a resolution authorizing the said executors to cause the buildings to be erected on the square between High and Chesnut, and Eleventh and Twelfth streets, according to the intentions, contracts, and plans, of the said testator.

And whereas, the communication of the said fact by the said Committee has been made with a view to ascertain the decision of the said executors on the subject: and whereas, whilst the said executors have never sought for the responsibility, or agency referred to, they have never been unwilling to render any aid in their power to execute the intentions of the testator, if authorized to act by the constituted authorities of the city of Philadelphia—therefore,

*Resolved*, That if the Select and Common Councils of the city of Philadelphia, shall adopt the resolution, which the said Committee have announced their intention to recommend, the executors of the late Stephen Girard will accept the trust, and execute the duties thereof to the best of their abilities.

Extract from the minutes of the executors of S. Girard. JOHN A. BARCLAY, Secretary.

The Committee further report, that they have considered the communications from the President and Board

of Inspectors of the Eastern Penitentiary, on the subject of a *Poudretta*, referred by Councils to this Committee, and they recommend the adoption of the following resolutions, viz:

*Resolved*, That a Committee of two members of each Council be appointed to co-operate with the Board of Inspectors of the Eastern Penitentiary relative to preventing the anticipated nuisance, which will be caused by the establishing of a *Poudretta* between the Eastern Penitentiary and the lot on which the Girard College is to be erected.

Thursday, April 26, 1832.

SELECT COUNCIL.—Mr. JOHNSON presented a petition praying that a culvert be made in Mulberry street, which was referred to the Paving Committee.

Mr. JOHNSON offered the annexed resolution, which was agreed to.

*Resolved*, by the Select and Common Councils, that the Mayor be, and he is hereby authorized to draw his warrant on the City Treasurer, for the amount due for water-rents and repairs, made on the estate of the late Stephen Girard, since the first of January last, and that the same be charged to the Girard fund.

The consideration of the resolutions attached to the report of the committee on the Girard Fund was postponed for the present.

COMMON COUNCIL.—Mr. BAKER presented a petition praying that Vine street, from Third to Fourth street be repaved, and one that Sixth street from Race to Vine street be repaved, which were referred to the Paving Committee.

Mr. HOON, as chairman of the committee on Markets, made the annexed report, accompanied with an ordinance and resolution which were adopted, and passed by the Common Council, but were not acted on by the Select Council.

The committee on Markets, to whom were referred the memorial of Paul Beck, Jr., complaining of the sale of meats from shambles erected on curbs in Market street, under the authority of the city, and the memorial of sundry citizens that a market-house of a cheap and temporary character may be erected on a lot of ground belonging to the city, at the corner of Vine and Schuylkill Front streets. Report:

That it is evident from the considerations stated in the memorial last referred to them, that the convenience of a large portion of the citizens would be promoted by an authorized market in the western part of the city. With the view of accommodating them, and, as it was supposed at the time, with their full acquiescence, the 6th section of the "Ordinance relating to the High street market place" authorized the commissioners to assign stands for butchers selling from their carts, at the corners of several of the streets west of Ninth street. But independent of the representations of the respectable memorialist above named, the committee are convinced that this provision has been less generally approved by the public, than was expected by the Councils at the time of its adoption, and that it might with propriety be now repealed. The committee are of opinion that it would not, however, be prudent at this time to erect a market house at so great a distance from the heart of the city, as is proposed in the second memorial. At the same time, they would desire to give every facility to those residing in the neighborhood of that ground, and with this object they would recommend the adoption of a resolution directing the commissioners to appropriate it for the sale of provisions. The committee therefore submit to Councils the annexed ordinance and resolution.

A supplement to the Ordinance relating to the High street market place.

Sect. 1. Be it enacted that so much of the sixth section of the ordinance to which this is a supplement, as directs the commissioners to assign certain spaces ad-



joining 10th, 11th, 12th and 13th streets, as stands for butchers selling from their carts, be and the same is hereby repealed;—and that the commissioners be authorized to return to any persons who may have rented such spaces, the sums paid therefor by them, on their relinquishing their right to the same.

Resolution authorizing a market to be held at the corner of Vine and Schuylkill Front streets.

Be it resolved, &c. that the City Commissioners be, and they are hereby authorized and required to mark out and define stands, not exceeding 20 feet by 10 feet, on the ground belonging to the city, at the corner of Vine and Schuylkill Second streets, and to lease the same, according to the provisions of the ordinance relating to the markets, as if the same were within the limits of the market place, to persons desirous of selling thereon butcher's meat or the produce of their farms and gardens.

Mr. BAKER, as chairman of the paving committee made the two following reports and resolutions, which were agreed to by both Councils.

The paving committee to whom was referred the petition of a number of citizens requesting Third street from Union street to Pine street, to be re-paved—report:

That they have examined said street, and are of opinion that it should be re-paved, as it is so much out of order, and the gutters so bad that repairing will not answer the purpose to carry off the stagnant water. They offer the following resolution.

Resolved, that the City Commissioners under the superintendence of the Paving Committee, cause Third street from Union to Pine street to be re-paved, and charge the same to appropriation No. 21.

The Paving Committee to whom was referred the petition of a number of citizens requesting that Sassafras street be re-paved from Delaware Sixth, to Seventh street, report:

That they have examined said square, and are of opinion that in consequence of its being so much out of order, it would cost more to repair than to re-pave it, they offer the following resolution:

Resolved, that the City Commissioners, under the superintendence of the Paving Committee cause Sassafras street from Delaware Sixth to Seventh street to be re-paved, and charge the same to appropriation No. 21.

Mr. SULLIVAN as chairman of the committee to whom was referred the petition for continuing the rail-road along Broad street, made the annexed report and resolution, which were laid on the table.

The committee to whom was referred the petition for continuing the rail-road along Broad street, respectfully report:

That by an act of the Legislature of Pennsylvania approved the 21st March, 1831, the canal commissioners were required to complete as soon as practicable, the rail-road from the intersection of Vine and Broad streets to Columbia; to which law was annexed a proviso "That before the canal commissioners should contract for any part of the rail-road between the western shore of the river Schuylkill and the intersection of Vine and Broad streets, the Mayor, Aldermen, and citizens of Philadelphia, by their proper authorities, should engage to construct and continue a rail-road from the intersection of Vine and Broad streets, down Broad street to Cedar street," &c. That by a resolution of the City Councils adopted the 27th day of April, 1831, the corporation pledged the faith of the city for its compliance with the provisions of the act of assembly aforesaid.

The committee further report, that the period appears to have arrived when good faith and the public interest require the fulfilment of the pledge given, by the actual construction of the rail-road agreeably to the act of assembly above referred to. The eastern section of the Columbia rail-road, is now in a state of such forwardness that it is confidently expected that the first twenty miles from the city will be ready for travelling

in the early part of the summer. The grading is nearly or quite done, the laying of the rails is rapidly progressing, and on some part of it travelling has already commenced. Connected with this section of the rail-road is the West Chester rail-road, which will shortly be completed: and assurance is given by the managers, that it will be ready for travelling on its whole length by the 4th of July next; about which time there appears to be a clear prospect of a continuous line of rail-road travelling from West Chester to the city of Philadelphia, with the exception of the bridge across the Schuylkill; a difficulty which will be in a degree obviated by the establishment of a ferry over that river until the bridge shall be completed, so as not to prevent travelling and the transportation of merchandize from the city to the furthest point of the completion on the rail-road.

The travelling on the rail-road from the city to Peters' Island alone would be an object of very considerable importance, as it is a convenient distance for excursions of pleasure; which by a mode of conveyance, attractive from its novelty and interesting as a splendid triumph of human invention and power, would be productive of much profit to the city and state, especially if this should be the route first in operation in the vicinity of the city.

As the time for constructing the rail-road along Broad street, if to be ready for use by the period above indicated, is now short, and it will take some time to make the necessary preparations, collect materials and lay the rails, it is the opinion of your committee that it is expedient that measures be adopted by Councils forthwith, to carry into effect their former resolution, by the immediate construction of a rail-road along Broad street from the northern to the southern limit of the city.

They respectfully recommend the adoption of the following resolutions:

Resolved, that it is expedient for the city of Philadelphia to carry a rail-road from the intersection of Vine and Broad street, down Broad to Cedar, to be constructed without delay, conformably to the act of Assembly of the 21st March, 1831, and the resolution adopted by Councils, on the 27th of April, in the same year.

Resolved, that a committee of two members of each Council, be appointed to cause such rail-way to be constructed on behalf of the city of Philadelphia, with authority to employ engineers and agents, and to make all other necessary contracts therefor; and that they make report of their proceedings under this resolution from time to time, to Councils.

Mr. BAKER as chairman of the Paving Committee made the two following reports and ordinances, which were adopted and passed by the Common Council, but were not acted on in the Select Council.

The Paving Committee to whom was referred the petition of a number of citizens requesting a culvert in Cedar street, to be continued from Fifth to Sixth street, report:

That they have examined the same, and are of opinion that it is the only way to relieve said citizens from the overflow of water, by extending the culvert, and offer the following ordinance to carry the same into effect.

An Ordinance, directing the continuance of the sewer in Cedar street, to the west side of Sixth street from the river Delaware.

Be it ordained and enacted, by the citizens of Philadelphia in Select and Common Councils assembled, That the City Commissioners be and they are hereby directed under the Superintendence of the paving committee to cause the sewer in Cedar street to be continued to about forty feet west of Sixth street from the river Delaware. The diameter not to exceed four feet, and charge the same to appropriation No. 4.

The Paving Committee to whom was referred the pe-



tion of a number of citizens, requesting the culvert in Eighth street from the river Delaware to be continued from Filbert street, to the north side of Mulberry street, report,

That they have viewed the same, and are of opinion it is the only way to relieve that part of the city from an overflow of water by heavy rains, and in the winter season, as it lays so flat, a large quantity of water collects at that point, they offer the following ordinance to carry the same into effect.

An Ordinance directing the continuance of the sewer in Eighth street from the river Delaware, from Filbert street to the north side of Mulberry street.

Be it ordained and enacted by the citizens of Philadelphia in Select and Common Councils assembled, that the City Commissioners be and are hereby directed under the superintendence of the Paving Committee to cause the sewer in Eighth street from the river Delaware to be continued to about forty feet north of Mulberry street, the diameter not to exceed 3 feet, and charge the same to appropriation No. 4.

Mr. Moss as chairman of the committee to improve the city property on Schuylkill, below the Permanent Bridge, offered the annexed resolution, which was passed by the Common Council, and Messrs. Moss and Corryell, were appointed the committee on their part—the Select Council did not act on it.

The committee to whom was re-committed a report relative to the improvement of the city property, fronting on the Schuylkill, south of the Permanent bridge, with instruction to report by bill or otherwise, respectfully report the following resolution for the consideration of Councils:

Resolved, that a committee of two members of each Council be appointed to carry into effect the improvements described in the report presented to Councils on the 22d March, 1832, by the committee to whom was re-committed a report made in part relative to the improvement of the city property on the Schuylkill south of the Permanent bridge,—and that said committee be authorized to make all necessary purchases and contracts,—and from time to time, that they report their doings to the Councils. Respectfully submitted.

Mr. LEIFER called up for consideration the report of the Library committee and resolution, which after being amended so as to read ONE copy instead of eight, which they proposed to subscribe to, was passed by the Common Council, but was not acted on in the Select Council.

#### NORTHUMBERLAND COUNTY ASSESSMENT.

Valuation of Real and Personal property, and Occupations of the different Townships in the County of Northumberland, for the year 1832.

Townships.	Real.	Personal.	Occupations.	State tax—Money's at interest, &c. assessed value.
Sunbury	\$122,800	\$ 5 06	\$92 07	\$61,670
Augusta	250,452	40 48	61 62	8,273
Shamokin	177,388	35 80	64 44	10,080
Rush	151,350	26 67	39 94	17,329
Upper Mahonoy	131,980	31 92	55 61	3,127
Little do.	53,766	9 86	13 76	3,224
Lower do.	215,909	34 60	51 36	19,048
Northumberland	93,759	7 48	60 49	73,770
Point	184,628	12 94	16 46	1,080
Chilisquaque	201,266	23 23	35 31	19,505
Milton	210,908	11 62	93 39	56,182
Turbut	591,078	70 75	107 14	26,133
	2,385,382	\$10 41	691 59	299,411

The real property in the Boroughs of Milton and Northumberland, and the townships of Turbut, Point, and Chilisquaque—all in the Forks—are valued at \$1,281,639  
All the other townships only 1,103,743

Difference in favor of the Forks 177,896  
Amount of State tax for monies at interest, &c. in the Forks townships 176,669  
Do. do. in all the other townships, 122,742

Difference, \$ 43,927  
The whole amount of assessment on Bonds, Notes, &c. in the county is \$299,411  
The three Boroughs in the county are assessed as follows: Sunbury 61,670  
Northumberland 73,770  
Milton 56,182

191,622  
The other nine townships of the county 107,789  
Thus it will be seen at once, that the money tax is chiefly paid by the towns.—*Millonian*.

From the Examiner.

#### LANCASTER COUNTY TRIENNIAL ASSESSMENT.

The following statement, prepared from the books in the Commissioners' Office, exhibits the adjusted valuation, under the late triennial assessment, of the real and personal property, trades and occupations, in the county of Lancaster, made taxable by the several acts respecting county rates and levies; also the sum assessed on such property agreeably to those acts for the use of the county, and that assessed thereon for the use of the commonwealth, conformably to the requisitions of the act of March 25, 1831, with the apportionment of each.

TOWNSHIPS, &c.	Adjusted valuation of real and personal property.	Sum assessed for the use of the Commonwealth.	Sum assessed for the use of the County.
Bart	279,895	284 11	426 16
Brecknock	195,201	205 32	307 98
Carnarvon	461,585	479 74	719 61
Cocalico	1,343,724	1,373 84	2,060 76
Colerain	141,647	147 54	221 31
Conestoga	785,458	813 37	1,220 06
East Donegal	1,101,185	1,120 40	1,680 60
West Donegal	635,638	654 24	981 36
Drumore	294,845	312 52	469 08
Earl	2,296,864	2,369 80	3,554 70
Elizabeth	809,804	828 10	1,242 01
E. Hempfield	886,924	919 31	1,378 97
W. Hempfield	1,139,629	1,177 30	1,765 95
Lampeter	1,684,145	1,718 44	2,577 66
Lancaster city	1,532,387	1,601 52	2,402 28
Lancaster township	327,261	333 22	499 83
Leacock	1,550,045	1,585 78	2,378 67
Little Britain	366,700	384 17	576 25
Manheim	1,048,896	1,062 00	1,593 00
Manor	1,708,077	1,743 32	2,614 98
Martick	435,515	455 38	683 07
Mountjoy	643,077	653 86	980 79
Rapho	1,064,254	1,068 89	1,603 34
Sadsbury	250,016	261 92	392 88
Salisbury	1,233,275	1,284 98	1,927 47
Strasburg	1,515,284	1,543 12	2,314 68
Warwick	958,800	988 35	1,482 53
	\$24,698,131	25,370 65	38,055 98



LANCASTER COUNTY PERSONAL PROPERTY TAX.

The following statement exhibits the valuation of the Ground-rents, Promissory Notes, Bonds, Judgments, Mortgages, Stocks in Corporations, Public Stocks, Pleasure Carriages, &c., in the county of Lancaster, made taxable by the act of March 23, 1831, and the sum assessed on such property for the use of the Commonwealth, with the apportionment of the same.

TOWNSHIPS.	VALUATION.	TAX.
Bart	3,950	3 95
Brecknock	8,820	8 82
Carnarvon	77,950	77 95
Coalico	136,110	136 11
Colerain	8,910	8 91
Conestoga	76,120	76 12
East Donegal	165,310	165 31
West Donegal	40,810	40 81
Drumore	16,925	16 92
Earl	288,910	288 91
Elizabeth	100,120	108 12
East Hempfield	40,230	40 23
West Hempfield	203,650	203 65
Lampeter	257,150	257 15
Lancaster	39,360	39 36
City	992,031	992 03
Leaeock	336,170	336 17
Little Britain	82,080	82 08
Manheim	195,985	195 98
Manor	109,950	109 95
Martick	43,700	43 70
Mountjoy	33,490	33 49
Rapho	73,960	73 96
Sadsbury	34,490	34 49
Salisbury	177,430	177 43
Strasburg	240,200	240 20
Warwick	214,030	214 03
	\$4,005,841	\$4,005 83

REPORT OF THE BOARD OF MANAGERS OF THE HOUSE OF REFUGE.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

In compliance with the provisions of their charter, the managers of the House of Refuge, respectfully report: That their experience, during the past year, authorizes them to reiterate the expressions of their opinion in relation to the beneficial effects of the institution under their charge. They are satisfied the prejudices formerly existing in the minds of the parents and connexions of the inmates against the system adopted by the legislature, have been gradually yielding to the evidences of improvement and reform afforded by the conduct of those who have been indentured or discharged from the House of Refuge. The numerous applications, and the facility of obtaining respectable and suitable places for these children, show conclusively, that so far from considering their commitment an objection, they are generally preferred to others who have been permitted to grow up without salutary restraint and control. The humane object of the legislature, in providing an asylum for those who have taken the first steps in a vicious course, who have broken through the common guards of innocence, and from want, neglect or ignorance, fallen under the temptations which surround them, has been therefore almost answered—and numbers who would otherwise have remained the constant and regular tenants of our prisons,—a useless burden on the community—whose miserable lives would have ended in a miserable death, have been sent forth with a tolerable education, industrious and moral habits, considerable skill in some mechanical employment, and a degree of health and strength, which, without such an asylum, they could never have obtained.

Let it be remembered, also, that although the expenses of this institution are defrayed in part from the county treasury, the charge upon the public is not thereby at all increased. Every child within its walls, in all human probability, would, either in the almshouse or in the prisons, have been supported by the community, during their minority, and when permitted to go at large, would be turned out, contaminated and degraded, in the midst of a large city, to prey on society until again detected in infringing its laws, they should be brought before our criminal courts, and rendered desperate and hopeless by conviction. Were mere economy therefore consulted, the continuance of the appropriation made by the legislature would be justified. But in the one case no means can be used to educate, instruct or reform the subject, in the other these are the great and leading objects in view, and every precaution and device which intelligence and ingenuity can suggest, are employed for their accomplishment. Moral considerations, such as these, infinitely outweigh all calculations of expense, and the legislature, while the blessings of education are becoming more diffused throughout the commonwealth, will not refuse to aid and protect an unfortunate class of individuals, whose vices are sometimes occasioned by accident or misfortune, and in whose favor not only their destitute and unhappy situation, but the interests of the community urge almost irresistible claims.

From the statement hereunto annexed, the legislature will see that notwithstanding the great additional cost occasioned by the necessity of preventing escape, separating the sexes, and instructing them in various mechanical occupations, the institution receives from the public, for each child, including every expense, but about one dollar and twenty-five cents per week; and even this sum the managers have no means of raising without legislative provision. The extensive buildings required for the accommodation of the inmates, have exhausted the funds given for that purpose, and left a considerable debt unpaid. Unless the appropriation heretofore made, be continued, they will be reduced to the necessity of discharging or turning over to the guardians of the poor, all the inmates in the house;—a result, which would probably consign most of them to inevitable moral destruction, and which the board, confiding in the judgment and liberality of the legislature, cannot anticipate.

The whole sum annually received from the county, is \$10,000 00  
157 children, at \$1 25 per week, 10,205 00  
Building debt due and unpaid, about 30,000 00  
The receipts and expenditures, from the 1st of January to the 31st December, 1831, exclusive, are as follows, viz.

RECEIPTS.	
From life and annual subscriptions, donations, and the labor of the inmates, &c.	\$4,434 98
The county treasurer, legislative appropriation for 1831,	10,000 00
	\$14,434 98

EXPENDITURES.	
For provisions, clothing, fuel, salaries of officers, &c. repairs and alterations of the buildings, interest on moneys borrowed,	\$15,605 82

The number of inmates in the institution, on the 1st January, 1831, was 87 Boys—45 Girls—132 total.

Received from 1st January, 1831, to 1st January, 1832.			
	Boys.	Girls.	Total.
From the courts and magistrates,	87	24	111
Returned after having escaped,	1	00	1
Do. been indentured,	11	00	11
	99	24	123



	Boys.	Girls.	Total.
<i>Discharged during the same period.</i>			
By indenture,	39	10	49
As of age,	6	8	14
Not proper subjects,	7	4	11
Returned to their friends,	14	3	17
Sent to the alms-house,	3	0	3
Sent to sea,	2	0	2
Died,	2	0	2
	73	25	98
	—	—	—
Remaining in the House on the 1st January, 1832,	113	44	157
Of the whole number received during the year, there were—			
From Northampton county,	2	0	2
Philadelphia city and county,	95	24	119
Susquehanna county,	2	0	2
	99	24	123

Of the number of boys placed out as apprentices,—  
15 have been indentured to Farmers,

1	"	"	Tanner and Currier.
1	"	"	Paper-maker.
1	"	"	Bricklayer.
1	"	"	Coppersmith.
3	"	"	Storekeepers.
2	"	"	Millers.
5	"	"	Shoemakers.
1	"	"	House Carpenter.
1	"	"	Hatter.
2	"	"	Auger and Sickle makers.
1	"	"	Chair maker.
1	"	"	Cotton Spinner.
1	"	"	Boat-builder.
1	"	"	Cabinet-maker.
1	"	"	Cooper.
1	"	"	Printer.

39

The girls who have been indentured have all, (10,) been apprenticed to learn housewifery.

The boys have been employed in book-binding, boot and shoe-making, tailoring, in manufacturing brass and cut nails, band boxes, watch chains, &c.; the girls in sewing and house work generally.

The average age of the boys received in 1831, was 14½ years, that of the girls about 15 years.

By order of the Board of Managers of the House of Refuge.

Philadelphia, March 29, 1832.

JOHN SERGEANT, President.

Attested,

JAMES J. BARCLAY, Sec'y H. R.

On page 128 of Vol. VIII. we noticed a machine invented by Mr. Spicer, for the purpose of conveying the mail—the following is the report of a committee to whom it was submitted:

#### FRANKLIN INSTITUTE.

##### *Report of the Committee on Inventions.*

The committee on inventions, appointed by the Franklin Institute, for the promotion of the mechanic arts, to whom was referred the consideration of the several subjects annexed, present the following report, viz:

##### *On James Spicer's plan for Transporting the Mail, &c.*

MR. SPICER proposes to transport the mail, &c. between any two given points by the following arrangements: Tubes (of wood or metal) of uniform bore, are to be placed horizontally, and in a direct line between the two points; within these tubes the mail is to be moved. To effect this motion, the mail is to be attached to an air-tight plug, moved by condensing the air upon one side of the plug, and rarifying it upon the op-

posite side. Mr. Spicer proposes to divide the distance between any two large towns, (as, for example, between Philadelphia and New York,) into sections of five miles each; an engine for condensing, (or exhausting,) being placed at one end of the section, while another for exhausting, (or condensing,) is placed at the opposite end. It is understood that it is proposed to use tubes ten inches in diameter.

To examine this device, the first inquiry should be directed to ascertaining whether it is good or bad in theory, and if good in theory it would then remain to examine whether it is practically good, and finally, to estimate the cost of its application as compared with other modes of conveyance, as by rail-roads, &c.

The first question, in point of magnitude, in the theoretical examination of this machine is, do the known laws of the motion of elastic fluids, warrant us in concluding that air can be compressed and exhausted in the manner proposed? That air has inertia is proved by the familiar illustrations of its force when in motion, and its resistance, when at rest, to a body moving through it. That air in passing through a tube would be retarded by friction, is reasonable to suppose from the laws which apply to other fluids. To determine the amount of this resistance recourse must be had to experiment, from which alone, the data for correctly solving such problems can be obtained.

Many experiments have been made upon this subject, possessing various degrees of merit.\* In an experiment made in England, by Wilkinson, the whole force of a large hydraulic wheel could not force air to the distance of 320 yards through a pipe one foot in diameter. Girard found that a pipe of .6 of an inch in diameter, and 364 feet long, diminished the discharge of air by .9. Other experimenters have made the expense due to resistance in passing through tubes, less; as those of Clement Desormes, in which a loss of thirty-five per cent. was produced in a pipe ten inches in diameter, and 1490 feet in length.

D'Aubisson in an elaborate series of experiments,† made at the mines of Rancié, has investigated the amount of resistance experienced by air in passing through tubes of various lengths and diameters. The diameters experimented upon, were four inches, two inches, and one inch. The length from twenty yards up to 430 yards, (nearly one-fourth of a mile,) varying by lengths of twenty yards. The force of the air at the different points was measured by syphon gauges at opposite ends of any pipe; the difference in height of the two gauges measuring the force expended in overcoming the resistance of the air to motion through the pipe. From these experiments results a formula by which, having given the pressure of the air at one extremity of a tube, in inches of mercury, the diameters of the tube at the two extremities, the length of the tube, the height of the barometer which measures the pressure of the external air, and the temperature of the air, the pressure at the opposite end of the pipe may be found.

For the purposes of our examination, we may assume the air at 32° Fah. (0° of centigrade scale,) and neglect the effect of the increase of temperature by condensation, and its decrease by rarefaction. The diameter of the tube is also to be taken the same throughout, viz. ten inches. The height of the barometer is assumed at thirty inches. With these data the following table has been calculated from the formula, assuming that at one end of the tube there is placed a steam engine capable of effecting a condensation equal to eleven atmospheres. The first three columns give the lengths of the tube in different denominations, the fourth

\* Annales des Mines, vol. ii. D'Aubisson sur les Machines Soufflantes à Piston.

† D'Aubisson, sur la Resistance de l'Air dans les tuyaux de Conduite. Annales des Mines, 2d series, vol. iii. 1828.



shows the effect at the end of this tube in terms of inches of mercury, as shown by a guage at that point; the fifth, the total elastic force of the air at the several distances; and the sixth, the ratio of the compression at the two extremities, or the ratio of effect produced to force expended.

Condensation at the beginning of the tube 330 inches of mercury, or eleven atmos- pheres.	Miles.	Feet.	Inches.	Effect in inches of mercury.	Total pressure at the several dis- tances.	Ratio of total pressure to force expended.
	0			300.0	330.	1.
	$\frac{1}{8}$	20	240	287.2	317.2	.961
	$\frac{1}{4}$	660	7,920	118.1	148.1	.449
	$\frac{1}{2}$		31,680	58.6	88.6	.267
1			63,360	37.7	67.7	.205
2			126,720	23.4	53.4	.162
2 $\frac{1}{2}$			158,400	19.7	49.7	.150
3			190,080	17.5	47.5	.144
4			253,440	14.0	44.0	.133
5			316,800	11.6	41.6	.126

We see by the table just given, that in a tube of only one-eighth of a mile in length, about five-tenths of the power applied is consumed in overcoming the resistance to the motion of air through the tube; that at a distance of half a mile seventy-three per cent. of the power applied is expended in the same way, and that at two and a half miles there remains as an effective propelling force, but fifteen per cent. of the whole power applied. Exhibiting a consumption of power which puts out of the question the adoption of such a plan. By similar means, the effect of exhaustion at the opposite end of the tube might be calculated, and since the same sources of resistance exist in this case as in the other, the conclusion can but be of a similar kind. The foregoing table shows, that in a tube of twenty feet in length, the resistance would be altogether inconsiderable, and hence, in the model of Mr. Spicer, eighteen feet long, notwithstanding its small diameter, he was not enabled to detect any resistance which would have led to an abandonment of his plan. The committee can but regret that expenses should have been incurred by Mr. Spicer, in bringing his invention before the public, which they understand he is ill able to afford.

The committee have hitherto considered this subject without reference to the question of its novelty, because they wished that the question of theory might be fairly met, and because they believe the idea to be original with Mr. Spicer, and therefore the credit of whatever ingenuity may be perceived in it, to be his due. In justice, however, to themselves and to the public, they must state that a patent was taken out in England in 1824, for a project in some sort similar to this. This patent, which bears date February 19, 1824, was granted to John Vallance, of Brighton, "for producing locomotion by stationary engines." The design of the patentee was as follows: An air tight tunnel, of about eleven feet in diameter was to be provided, within which, upon a rail-way, carriages for the transportation goods and passengers, were to move: these carriages were to be attached to a shield fitting air-tight within the tunnel, and motion to be communicated to the shield by exhausting the air in front of it by an engine stationed at the end of the tunnel towards which the shield was to be moved; the pressure of the atmosphere upon the opposite side of the shield, would thus be the propelling force.

The plan of Mr. Spicer differs from this in being upon a much smaller scale, and for a more limited object, which is decidedly in its favour when compared with

the other. A further difference is to be found in his use of the compression of air, as well as of its exhaustion.

ERIE, (Pa.) April 19.

NAVIGATION.—The navigation of the lake above this place, is not yet entirely open and unobstructed. The Mary of Milan, a schooner, loaded for Detroit, left this port several days ago, and made her way safely up the lake—no other vessels have as yet left this port. The lake is apparently pretty full of ice in every direction. The Enterprize, Capt. Miles, came down as far as Conneaut on Tuesday, and landed her passengers, who came on from there by land. It is very late for this port to be obstructed by ice. It is probable that it will be several weeks before vessels will be able to leave Buffalo.—*Gaz.*

FISH.—Lake Erie has disclosed during the past winter and spring, a new source of amusement and profit to the disciples of Isaac Walton. A fish hitherto unknown, or nearly so, among us, has been taken, this season, in quantities truly astonishing, near the mouth of our harbor. They are of one kind only, and vary from 7 or 8 to thirty pounds in weight. They have been caught by set lines through the ice. They have been called trout, though with what authority we know not. They are a darker colour than the shad—have scales, exceedingly small; and are marked on either side of the body, their whole length, with a seam resembling a scar. The stranger, whatever his cognomen, is of delicious flavor, as most of our population can testify. By data furnished us by the fishermen, we find they have taken no less than 17,547 lbs. of the new comers, the past winter.—*Buffalo Journal.*

THE REGISTER.

MAY 5, 1832.

It appears by a statement lately published in the Baptist Tract Magazine, that there are in Pennsylvania,	
Baptist Associations	10
“ Churches	132
“ Ministers	89
“ Baptized last year	461
“ Total in the State	7,614
Increase in 1831,—about 6 per cent.	

We have received the extraordinary report of the majority of the Committee on the Bank of the United States; which, with the other expected reports on the same subject, will be published in our future numbers.

Our present number contains several interesting reports which have not yet been published here.

HISTORICAL SOCIETY OF PENNSYLVANIA.

A stated Meeting of the Historical Society of Pennsylvania, will be held on Monday evening, at half past 7 o'clock, (7th instant,) at the Society's Chamber in the Philosophical Hall, over the Athenæum.

J. R. TYSON, Secretary.

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# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. IX.—NO. 19.

PHILADELPHIA, MAY 12, 1832.

NO. 228.

## UNITED STATES BANK.

TWENTY-SECOND CONGRESS—FIRST SESSION.

*House of Representatives, March 14, 1832.*

Resolved, That a select committee be appointed to inspect the books, and to examine into the proceedings of the Bank of the U. States, to report thereon, and to report whether the provisions of its charter have been violated or not; that the said committee have leave to meet in the city of Philadelphia, and shall make their final report on, or before the twenty-first day of April next; that they shall have power to send for persons and papers, and to employ the requisite clerks, the expense of which shall be audited and allowed by the Committee of Accounts, and paid out of the contingent fund of the House.

## REPORT OF THE MAJORITY.

Mr. Clayton, on behalf of the majority of the Committee appointed on the 14th March, 1832, to inspect the books, and examine into the proceedings of the Bank of the United States, made the following report:

In obedience to the foregoing resolution, the committee appointed under the same, proceeded to the city of Philadelphia, and commenced the inspection of the books, and the examination of the proceedings of the bank on the 23d of March last; and, after the most attentive and laborious investigation which their limited time would allow, the majority have prepared the following report, which they beg leave to submit to the House of Representatives.

They believed, that, as the House wished information more for the purpose of enlightening their minds, and assisting their judgments as to the expediency of again renewing its charter, than to abridge it of the small remnant of time left for its operation, a liberal construction of the resolution would not be deemed a departure from their trust; consequently they have directed their inquiries to two general objects.

1st. Whether the provisions of the charter had been violated.

2d. Whether there have been any circumstances of mismanagement against which future legislation might guard, or which should destroy its claims to further confidence.

On the first point, following the example of a former committee, making a similar investigation, without expressing any opinion on such cases as have been subjects of imputation against the bank.

These cases they conceive to be six in number, and are as follows:

1st. In relation to usury.

2d. In relation to the issuing of branch orders, as a circulation.

3d. The selling coin, and particularly American coin.

4th. The sale of stock obtained from Government under special acts of Congress.

5th. Making donations for roads and canals, and other objects.

6th. Building houses to rent or sell, and erecting other structures in aid of that object.

On the first ground, the president of the bank refers us to a statement marked G, and says it will "explain the only cases to which this description might be considered applicable, two of them being cases in which the board repaid the amount considered over charged, and in regard to the third, no application has been made for any change in the form of the original loan." See said statement marked No. 1.

To a question asked the president, whether any cases of disguised loans, and domestic bills of exchange, had come to the knowledge of the parent bank, in which the branches had received usurer's interest? He replied that he never heard of any, but made a further statement, marked No. 2, in which he states that the usual custom is to charge upon domestic bills of exchange, the rate of interest and the rate of exchange, and if the sums united should exceed six per cent. it is not usury, and gives an explanation in said statement.

On the second ground, the committee will submit document Number 3, and its inclosures, in which the cause and origin of branch drafts will be fully seen. The president states the "inability of the bank to furnish the amount of circulating medium, which it was created to supply, became apparent at an early period. In a year after its organization, the directors presented a memorial to congress, dated 9th January, 1818, requesting that an alteration might be made in the charter, so as to authorize the *president and cashiers of the several branches*, to sign the notes issued by those branches." See copy of the memorial marked 3 A, in which it is stated "that, inasmuch as the 'act to incorporate the subscribers to the Bank of the United States,' requires that the bills or notes which may be issued by order of the said corporation, shall be signed by the president, and countersigned by the principal cashier, it has been found impracticable to supply, in any reasonable degree, the required *circulation* from the bank and its numerous offices of discount and deposite," it is therefore asked of Congress to permit the presidents and cashiers of *branch banks* to sign and issue bills. The application was not granted. The president states "the subject was resumed by another memorial, dated, November 24th, 1820. See copy of the memorial marked 3, 6, in which it is stated, "under the charter it has been doubted whether the bank has power to authorize the issuing of notes not signed by the president, and countersigned by the cashier. The labor and the time necessary to sign notes for the bank and all its branches, are much greater than either of those officers can bestow upon that object; and hence the bank has been unable to put in *circulation* a sufficient amount of notes of the smaller denominations, which the public most want, and which are best calculated to serve the interest of the bank." It then requests that power be given to the parent bank to appoint one or more persons to sign notes of the smaller denomination, which was not acted upon.

The president states, the "application was again renewed, and a select committee of the House of Representatives, reported in favor of allowing the appointment of signers, on the 27th of February, 1823; but there was no action of the House upon it." And he refers us to "pamphlet, vol. iii. No. 11.

On the 1st of December, 1826, the president was in-



structed to endeavor to procure the necessary change. He says, "he reported on the 27th of February, 1827, that no action on the subject would take place at that session of Congress, and, accordingly, the matter was referred to the committee on offices." See Doc. 3. c.

He adds, "the opinion of Mr. Binney, Mr. Webster, and Mr. Wirt, the Attorney General, was taken on the subject of issuing branch drafts." See Doc. 3. c.

On the 6th of April, 1827, the following communication was made to the board of directors: "The committee on the offices, to whom was referred, on the 23d of Feb. last, the report of the president of the bank, stating the unsuccessful result of the application to Congress for an *alteration* of the *charter*, which would authorize the signature of notes by other persons than the president and cashier, report, that in various part of the Union, but more especially in the southern and western sections, there is a constant and unceasing demand at the offices for the smaller denominations of notes, which it is impossible to supply." They therefore suggest that the "discount offices should be instructed to draw checks on the cashier of the bank for smaller sums than they have hitherto been in the habit of furnishing. In order to save the labor of preparing such checks at the offices, as well for the greater security of the bank and the community, it has been deemed best to prepare the blank forms of *uniform appearance*, and to distribute them from the parent bank. Such forms have been accordingly revised, and are now submitted to the board with the recommendation of the committee, that the experiment be tried, and, if found useful to the community, be *permanently* adopted." See Doc 3. c.

The document marked 4, D, is a correspondence between the president of the bank and the secretary of the treasury, on the character of these bank drafts, which has already been printed and submitted to Congress.

The paper marked 5, E, contains instructions to the branch bank as to the issue of branch orders. On the 21st of April, 1827, the cashier of the parent bank writes a circular to the respective branches, informing them, among other things, that the directors have deemed it best that blank forms of an *uniform appearance* should be prepared with *skill* and *care* at the parent bank, and thence distributed to such of the southern and western offices as seem to stand most in need of them, or to be able best to employ them usefully. Enclosed I send you a specimen of the 5 and \$10 blank drafts adopted.

After being numbered, registered, and appropriated here to certain offices, a supply of them will be forwarded as soon as possible, with instructions to the cashier of each office to have every four hundred drafts in succession, and as they may be wanted, filled in the order of some one officer of the branch, by whom they must be endorsed lengthwise, and about the middle of the draft, payable to bearer before they be signed by the president and cashier. When completed, they are to be furnished to the customers of the bank, or other persons who may wish to procure them. The entries respecting them, both here and at the branches, are *intended for convenience sake*, to be analogous to those of *branch notes*. Their receipt under the denomination of branch drafts, is to be similarly acknowledged by the cashier, and in duplicate through the respective presidents. They are besides to be reported on the weekly state of the office, as branch draft paper received, used, and on hand.

And whenever they may be transferred between the offices, must be so noticed at the foot of the statement, like other packages."

On the 7th of January, 1831, a resolution passed the board to issue drafts of the denomination of twenty dollars. These branch orders, when discharged by the parent bank, are re-issued by that bank when it has no small notes of its own. The paper marked 6 F, contains a statement of the amount of branch drafts issued, on

hand, in circulation, and the offices from whence issued. By this table it will be perceived that \$10,781,635 have been issued; \$3,371,544 are on hand; and \$7,410,090, are in circulation.

The foregoing is a succinct history of the issue of branch drafts. Whether it can be justified under the charter of the bank, the committee will leave to the better judgment of Congress.

The third case is the selling coin, and particularly American coin. The attention of the committee was drawn to this subject by the fact that the General Government had, on one occasion, to pay the bank two per cent. on ten thousand Spanish dollars, which it wanted for the benefit of the navy in South America. To an interrogatory put to the President on this subject, he replied, "the bank is authorized to deal in bullion. It buys and sells bullion. All foreign coins are bullion. Their being a legal tender does not make them the less bullion, and the bank having bought them at a premium, sells them at a premium. The obligation of the bank is, to pay the claims on it in coin, American coin, or legalized coin; and if the foreign coin is worth intrinsically, or commercially, more than the American coin, the difference in value must be worth the difference in specie, and there seems no reason why the bank should sell its bullion any more than its bills of exchange, at less than their value." He then refers the committee to a correspondence, marked No. 4.

Although the bank acted under legal advice, it may be well questioned whether foreign coin is bullion. The Constitution gives to Congress the right to regulate its own and foreign coin; when, therefore, the latter has a value prefixed to it by law, and is suffered to be used, with that regulated value, in like manner with our own coin, it would seem not to have lost the name and character of coin, and is made by force of law what it would be, if carried through the mint and subjected to the condition of our own coin; and, therefore, to deal in it as a commodity, is calculated to disturb its legal value, and render at least that portion of the metallic currency uncertain and fluctuating.

If, however, the committee have taken a wrong view of this subject, so far as foreign coin is concerned, it seems by the statement of the President of the Bank, to be virtually admitted that our own coin is not bullion, and therefore does not come within the objects of trade allowed to the Bank by the ninth fundamental rule of the charter. By reference to the statement of specie sold by the Bank, marked No. 24, it will be found that the sum of \$84,734 44 of American gold coin has been parted with.

The fourth case is, selling stock obtained from Government under special acts of Congress. They have thought it their duty to present the subject to the consideration of Congress.

It is necessary here to observe, that the charter must have intended some meaning in prohibiting the bank from dealing in stocks. There is, perhaps, no subject so fruitful in speculations as stocks, and none which is so fluctuating and liable to be influenced by the slightest causes, often producing ruin or immense fortunes in the most sudden manner. To prevent such a great moneyed institution, then, as the Bank, from dealing in this article, which its vast means could raise or depress at pleasure, seems to have been a wise provision in the charter. The right of the bank to acquire or sell stocks, is a special one; it must be done by virtue of a law of Congress. The charter itself provided that a part of its capital might be paid in the stock of the Government, and such stock, particularly, might be disposed of. But the committee suggest whether this will apply to other stocks obtained by virtue of a subsequent law of Congress, unless that law specially confers the power to dispose of it. In two important loans obtained from the Government since the charter was granted, the Bank has parted with a valuable stock: and these cases will illustrate the point now submitted to Con-



gress. While the committee refer to the transactions of the Bank in the funded debt of the United States, for the purpose above mentioned, they also have in view the presentation of the subject to show, not only the manner of disposing of that stock, but whether it was not contrary to the express understanding with the Government at the time of obtaining the stocks. For the loans of four millions of dollars, of five per cents. made in 1821, and the five millions of four and a half per cents. made in December, 1824, there was strong individual competition, at a premium for a part or the whole, against the bank; yet the bank had a preference over the individual offers, upon the principle that it would be more advantageous to give it to the Bank at a reduced rate, and participate as a partner, than give it to individuals at a premium. This was confirmed at the treasury.

The president of the bank, in a letter dated 15th December, 1824, which will be found among the documentary testimony, after saying he had taken the whole of the \$5,000,000 loan at par, says, "and since we have taken the loan at par, on the distinct ground of our having the means of doing it, it would be advisable, in every point of view, not to sell any of the *Florida loan* in Boston." By a statement of the amount of funded debt sold by the bank, marked No. 6, it will be seen that, as early as June and July, 1825, the year after it was taken, the bank began to sell this stock, and continued to do so, sometimes at a premium, and sometimes at a loss, up to the 27th day of November, 1829, on which day they had disposed of all but \$93,925 92, and that too at a loss of \$4,443 34, notwithstanding offers were made by individuals for a large amount, at a premium, and rejected by the Government, upon the principle before stated. The same document shows that there was, between February, 1829, and October of the same year, sold of the \$5,000,000 *Florida loan*, \$1,742,261, at a loss of \$17,661 09. For this loan, the committee are not aware of there being any offers by individuals at a premium. The same document shows, that, between February 1826, and February 1832, the whole of the \$4,000,000 loan of 5 per cents. of 1821, has been disposed of at a premium of \$136,789 25. The premium paid for which, at the time it was taken, was provided for in a semi-annual appropriation of \$60,000, in the report of the 1st of July, 1821, before adverted to. By these operations, it will be obviously perceived, that, if the bank is allowed to sell stocks acquired by special agreements with the Government, it can secure, by speculations, all the advantage which the Government might possess, in putting up its loans to the highest bidder. It not only destroys competition, but takes the loan of the Government from other individuals, who would have given a premium for it, and which the government refuses, because it expects to derive a greater profit in another way, but in which it may be defeated, by an immediate sale of the loan, and which, if the right to sell by the bank is acknowledged, might have been made directly to those very individuals who had just offered a premium. In relation to the four million loan of five per cents. of 1821, Mr. Cheves, in his report on the 1st of October 1822, says: "The four million loan of five per cents. are longer irredeemable, than any other stock of the government of the United States, and hence probably this stock is more valuable than any other stock of the United States." He also says, "the more the bank can retain of this stock, the better for the institution." In the whole of which, the committee most fully concur; for, it may be mentioned with feelings of pride, that such is the high credit of the government, its stock is better than specie, and would be to the bank, in any emergency, precisely the same.

The committee proceed to mention the 5th case, which is making donations for roads, canals, and other objects, the amount of which is, \$4,620 00, as will appear by document No. 8. Two of the largest of these items, amounting to three thousand dollars, are for turn-

pike roads, made too, after the General Government had declined to make appropriations for similar objects.\*

A question would naturally arise whether the public funds in the bank, for that institution, is expressly founded upon the principle that it is necessary to, and constitutes a part of the treasury of the United States, can be appropriated to objects indirectly, by the officers of that institution, when the Government directly refuses to expend its revenues on the very same objects. The committee have looked in vain for any authority in the charter to give away the money of the stockholders. If the charter contains the powers by which the bank is to act, and they are to be strictly pursued, there is then no grant to make gratuities for any object whatever.

The consequences of the exercise of such a right, might be fraught with very great injury to the stockholders; certainly of dangerous interference in the rival trade of different sections of the country, and of pernicious influence upon the operations of Government.

The committee approach the last ground, which is the building houses to rent or sell, and erecting other structures in aid of that object. They will merely present the fact and the law, and leave the House to place their own construction upon the case.

By an extract from the minutes of the board of directors, communicated to the Senate on the 18th day of March last, the following facts appear, viz.

"The committee on the offices, to whom was, this day, referred a letter to the president, from George W. Jones, agent, dated May 23d, recommending to the bank the construction of two canal basins, and the erection of warehouses around one of them, according to the plan submitted by him, recommend to the board the adoption of the following resolution:

"Resolved, that the board approve of the formation of two canal basins at Cincinnati, proposed by Mr. Jones; one of them to be on square number fifty-five; (55,) and the other to be on the square of ground between Walnut and Vine streets, and Canal and St. Clair on Court streets; and that he be authorized to erect forthwith, *warehouses* on the margin of this last mentioned basin, not exceeding six in number, either in one block or separately, as he may deem most expedient for the interest of the bank."

These six ware houses were built. It is also understood, says the same extract, that several other houses have been built by the agent at Cincinnati; but, as they were erected in part by contributions in labor and materials, by debtors to the bank who had no other means of payment, and, in part, by disbursements, no accurate statement of either their number or cost is on the file. The agent has been instructed to specify these details, in order to complete this return.

In reference to the foregoing, the committee believe it enough merely to quote the following provision of the charter, to wit: "The land, tenements, and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be *requisite for immediate accommodation*, in relation to the *convenient transaction* of its business, and such as shall have been *bona fide mortgaged* to it, by way of security, or conveyed to it in *satisfaction* of debts previously contracted in the course of its *dealings*, or purchased at sales upon *judgments* which shall have been obtained for *such debts*."

This closes the view of the committee on the subject of the violations of the charter.

In considering the second general head as to any circumstances of mismanagement of the bank, your committee have fully appreciated the delicate character of some of the duties assigned them, and the high responsibility of the office of inspecting the books, and exa-

\* The president furnished this statement without explaining the grounds of these donations, no explanation having been particularly required of him.



mining into the proceedings of the Bank of the United States.

It is possible that the improvements were in the neighborhood of the real estate of the bank, and are made upon the ground that said donations would increase the value of that real estate.

In discharging that trust, they have not felt themselves at liberty to inquire into the private concerns of any individuals, of any denomination, unless the public interest was involved in their transactions with the president and directors of the bank. The investigation was ordered by the House under peculiar circumstances, and in anticipation of a debate on the renewal of a charter of a national bank, whose annual operations amount to two or three hundred millions of money, whose influence extends to the remotest parts of the Union, and whose connection with the Federal Government gives it a public character. Impressed with the importance of the great variety of interests involved, your committee have executed the office assigned them, by inquiring, generally, into the proceedings of the bank, not only for the purpose of ascertaining whether its powers had been violated or abused, to the injury of the private and public interests of the country, but with a view to obtain information for the use of the House, and to suggest, should Congress determine to continue a national bank, such modification as the proceedings of the existing institution would seem to have rendered necessary.

Adhering to these rules, the committee believed it entirely within their province to inquire whether the influence of the bank, acknowledged by all to be of vast control, and, if improperly directed, of dangerous tendency, had insinuated itself either into the management of the press, or the direction of the government. This could only be done by an examination of the transactions of the bank with editors and public functionaries. And here the committee wish it to be distinctly understood, that they do not pretend to set up the absurd idea, that editors or officers are excluded from the right common to the rest of the citizens, of borrowing money when and where they please, from banks or individuals, without being answerable, in the slightest degree, to any person whatever. But while this admission is demanded by the clear rights of the parties to whom it relates, it will not be denied, that if they obtain more favors than the rest of their fellow citizens, it is, at least, a just cause of complaint against the bank, and however they may be innocent of any improper or sinister connection with that institution, it does not, by any means, disprove the fact, that some other influence may have been intended to operate upon their minds wholly unsuspected by them at the time. If, therefore, it should appear that these individuals received larger loans than those who are its usual customers, that they receive these loans without the security usually required under circumstances not known in any other case, it would seem to the committee that, instead of a complaint from those whose transactions with the bank have thus been investigated, the grievance is entirely on the other side. Whether such cases do exist, the committee will leave to the better judgment of the House to decide, upon the facts which they have collected, and now respectfully submit.

It had been repeatedly alleged that the bank had employed its funds for the purpose of subsidizing the press, and the charge was reiterated during the debate upon the resolution authorizing this inquiry. The attention of your committee was particularly drawn to this subject, at an early period of their examination, by a communication from an editor of a New York paper, who had been accused to a member of the committee, through the president of the bank. The evidence relating to this case will be found in papers 8 and 9, and in which are presented the following facts: On the 26th of March, 1831, a Mr. Silas E. Burrows applied to the president of the bank, and informed him, to use the language of the president, that "he was desirous of

befriending Mr. Noah, and assisting him in the purchase of a share in a newspaper; and he asked if the bank would discount the notes of these parties, adding that, although as a merchant he did not wish to appear as a borrower, or to put his name on paper not mercantile, yet he would, at any time, do so, whenever it might be necessary to secure the bank. "I do not recollect (says the witness) whether he then mentioned the time which the notes would have to run. The committee being authorized to discount any paper the security of which they might approve, agreed to do them. As Mr. Burrows was going out of town, I (the president and witness) gave him the money out of my own funds, and the notes were afterwards put into my possession. They remained with me a long time, as I had no occasion to use the funds, nor was it till the close of the year that my attention was called to them by the circumstance that a new board of directors and a new committee of exchange would be appointed: the same committee which made the loan should consummate it. I had seen, also, in the public prints, many reproaches against the bank for lending money to printers and editors, and I was unwilling that any loan made by the bank should seem to be a private loan from one of its officers. Having no use for the money, it would have been perfectly convenient to let the loan remain as it was, but I thought it right that every thing done by the bank should always be distinctly known and avowed, and, therefore, gave the notes to the chairman of the committee, Mr. Thomas P. Cope, who entered them on the books." This is the account given by the president himself of the transaction in its origin. The money, \$15,000, was advanced on the 26th of March; the notes bear date on the 1st of April thereafter, and were ten in number for fifteen hundred dollars each, with the interest added on as they respectively became due, which was on the 1st of April and October of the years 1832, '33, '34, '35, '36, and amounted, with the interest thus added, to \$17,975. At the time they were entered on the books of the bank, on the 2d of January last, the president received the money for them. These notes were placed on the books of the bank at this time, and it will be seen, on the 2d of March they were withdrawn, as will appear hereafter. On the 9th of August last, after the foregoing transaction had taken place, J. W. Webb and M. M. Noah made an application to the bank for a loan of \$20,000, accompanied by a letter from a gentleman formerly a director of the Bank of the United States, to the president of the bank, in the following words:—"I cheerfully forward the enclosed as requested. I see no reason against this application being treated as a fair business transaction." This was accompanied with sundry letters of Webb and Noah, and the depositions of persons in their service as to their solvency and ability to pay the loan requested, all of which will be found marked No. 9. This loan, at six months, was granted, with no other security but that which is just mentioned, the largest loan made on that day. On the 16th of December following, another application was made, by these same parties, for a loan of \$15,000, which was granted, for six months, by the exchange committee, without any additional security, or recommendation. At this time, there was a considerable pressure in the money market, and many notes of the citizens of Philadelphia were rejected. It was one among the largest loans of the day. These loans, together with the loan made in March to Burrows, amounted to the sum of \$52,975, which consisted of notes drawn and endorsed by the editors only.

The committee will now submit the facts in relation to the manner in which this loan has been disposed of, first premising that the resolution for inquiring into the affairs of the bank was introduced into the house on or about the 17th of February. The loan of August was reduced \$2000 at its maturity, on the 10th of February last. On the 2d of March last, Mr. Silas E. Burrows obtained from the exchange committee, discounts to the



amount of thirty-two thousand four hundred and forty-six dollars, being the largest sum loaned on that day, and while many notes of citizens of Philadelphia were rejected. That the notes for \$17,975, payable in 1832, '33, '34, '35, and '36, were paid and withdrawn by him on the 2d of March, without the knowledge of Webb and Noah, as they state. On the 14th of the same month, Burrows obtained another discount from the bank of \$14,150, and on the 15th of the same month, the note of Webb and Noah for \$15,000, loaned them on the 16th of December previously, and not due till June next, was paid off by two drafts from Webb, obtained at the United States Branch Bank at New York, accompanied with the following remarks, contained in a letter to the president of the bank, dated New York, March 11th, 1832, and found in No. 9, viz: "Although the loans to us by the Bank of the United States are purely of a business character, and made upon statements showing the necessity of the accommodation to our establishment, and of our ability to meet our payments, there can be no doubt but that the enemies of the bank, as also our political opponents, will endeavor to give a false coloring to the whole transaction. The loan, though strictly defensible, is a large one, and the amount may give rise to the charge of indiscretion on the part of the directors. This, it is not only our duty, but our desire, to prevent, if possible; and, therefore, with some little inconvenience to ourselves, we have made arrangements to pay the note of \$15,000 in the course of a few days."

The evidence of the president of the bank explains the character of these various loans, and the circumstances which induced him to be satisfied with the security, and to make these advances; which, together with all the testimony and correspondence on this subject, will be found in the papers marked No. 9.

In that evidence it is stated, by the testimony of Webb and Noah, that they knew nothing of the first 15,000 dollar loan made by the president of the bank, to Burrows; that Burrows made them believe the \$15,000 were loaned to Noah by his father, and that he had his father present to carry on that transaction, and for which loan Noah allowed Burrows 2½ per cent, and did not receive it all for some months after giving his notes; that the notes were discounted by the bank, in their names, without their knowledge, and paid off in the same way. It will appear by the testimony of Mr. Webb, that the paper of which he is the editor, made two publications in the latter part of 1829, favorable to the establishment of branches; that shortly thereafter it commenced its opposition to the bank, and was, for sixteen months warmly opposed to it; and that, on or about the 8th of April, 1831, it changed its course in favor of the bank. Connected with this fact, is an admission on the part of one of the editors, that before the first loan was negotiated he held a conversation with a gentleman, through whom the loan was then negotiating, (who the committee know to be Burrows,) in which he, Burrows, urged the editors, one of whom, Webb, had expressed himself in favor of a modified recharter, to advocate an unconditional renewal, "but expressed great satisfaction at learning that [one] was in favor of a charter under *any* circumstances."

The committee will state they were anxious to obtain the testimony of Burrows, but were unable to do it. A subpoena was issued for him and sent to New York, to which the marshal returned he was not to be found. It was then sent to Washington City, and the Sergeant-at-Arms made the same return. The marshal of Pennsylvania was directed by the chairman, to make and continue a search for the witness in Philadelphia, having heard of his expected arrival in that place; that the marshal reported to the chairman that he ascertained that the witness had arrived in that place on Thursday, the 5th inst. but he was not able to serve the process, because he could not be found.

To an inquiry whether there were any other instances

of notes being discounted for the accommodation of any merchant and trader, at 1, 2, 3, 4, and 5 years' credit, unless to secure a debt in jeopardy, there were presented to the committee four other cases.

On the 3d of April the committee, by resolution, called for the following statements to assist them in the elucidation of certain facts which had appeared in other documents, viz:

1st. A tabular statement, showing the aggregate amount of notes discounted and still due the bank, drawn and endorsed by non-residents of Philadelphia; which will be found marked A.

2d. The aggregate amount of good notes offered for discount, and rejected by the board; drawn and endorsed by residents of Philadelphia, on the following days respectively: 9th of August; 16th December, 1831; 2d January; 10th February; 2d and 14th of March, 1832; 24th September, and 15th October, 1830. That statement, marked B, will show the amount of notes discounted; but the officers of the bank state their inability to discriminate between those that are good or otherwise.

3d. The aggregate amount of notes discounted on personal security, and made payable more than six months after date, which appear to be only four in number, besides the case of J. W. Webb, and M. M. Noah.

4th. The aggregate of notes now due the bank, discounted for a firm, or the partners of a firm, without the name of some person not belonging to the firm, as drawer or endorser, distinguishing in each of the above statements the amount loaned to members of Congress, editors of newspapers, or persons holding offices under the general government. To this last resolution were added the following amendments, viz: "1st. A statement of the loans made by the bank and its branches, to members of Congress, editors of newspapers, and officers of the general government, and the terms of such loans." "2d. And the names and amounts of payments to members of Congress, in anticipation of their pay as members, before the passage of the general appropriation bill." "3d. And the amount of money due the United States, on the deposit in the bank, after deducting therefrom the sum thus advanced to those to whom the United States are indebted." "And lastly, a statement in detail of the amounts paid to those who are now, or have been members of Congress, or officers of government, since 1816, for services rendered to the bank, stating the nature of the service. For the information sought by these inquiries, see papers marked C. Besides these, there were furnished statements of loans made to five editors or publishers of newspapers, by which it will appear, that the accommodations to those five editors were upwards of \$110,000, previous to the institution of this inquiry.

The various reports which have for a long period past, charged the bank with too frequent intercourse with brokers, and also of undue favoritism to certain individuals, as well as the large transactions which exhibited themselves upon many documents called for by the committee, induced them to examine particularly the accounts of the firms of which Mr. Thomas Biddle was and is the chief partner with the bank, as a broker.

Four subjects of investigation presented themselves in relation to their transactions with the bank.

1st. The allowing and paying interest to them on deposits.

2d. Relates to certain loans upon the pledge of stock, and the discounting of notes made to T. Biddle by the president or others without the knowledge of the board, and on part of them the pledge of stock without interest. The committee would refer for the particulars of these two charges to the papers marked No. 13.

The third subject is the amount of discounts made T. Biddle, and the rate of interest. The document marked No. 14 will show the amount on the 15th of each month from the 15th day of September, 1830, to the 15th day of February, 1832. By this, it appears, that



on the 15th of October, 1830, he had discounted upwards of \$1,120,000, and has at no time since been less than \$400,000.

The committee doubt the policy of such large accommodations to individuals or firms, at any time, as it deprives the bank of the power of fulfilling one of the great objects of its institution, which is to facilitate trade by loans in time of pressure, and it may be proper to add, that these large loans, at a low rate of interest, in times when money is plenty, are usually followed by overtrading, which produces pecuniary embarrassment and general distress.

By a statement entitled, "Remittances to Europe," marked No. 16; it appears that the foreign purchase of foreign bills, were made of Thomas Biddle and Co., drawn by them, viz:

1831.	
Oct. 14, 1 bill 60 days sight, and at a premium of 10½ per cent.	\$32,399 68
Oct. 14, 3 bills at 75 to 90 and 105 days, and at a premium of 10½ per cent.	115,411 11
Oct. 22, 13 bills at 40 to 125 days, and at a premium of 11 per cent.	592,000 00
Dec. 10, 9 bills at 40 to 110 days, and at a premium of 10 per cent.	506,250 00
1832.	
Feb. 14, 14 bills at 40 to 105 days, and at a premium of 10½ per cent.	400,000,00
Feb. 14, 3 bills at 50 to 70 days, and at a premium of 11 per cent.	148,000 00
	<u>\$1,794,060 79</u>

By the foregoing statement, it appears that the bank purchased between the 14th of October, 1831, and the 15th of February, 1832, of T. Biddle and Co. foreign bills to the amount of \$1,794,060 79.

With regard to these large loans, the committee refer to the statement marked No. 19, by which it appears that on the 9th of April, 1832, the total amount of discounts on bills and notes at the bank in Philadelphia, was \$7,939,679 52. Of that sum more than two-thirds were loaned to ninety-nine persons, to wit, \$5,434,111. More than \$3,000,000 were in the hands of twenty-seven individuals; and nearly the seventeenth part in the hands of one person. The committee have already expressed their conviction that these large accommodations, to a few individuals, are injurious to trade generally, and they will add, that they ought always to be made by either the board of directors, or the committee empowered by them for that purpose. For an explanation of this subject, see papers numbered 13 and 18.

Properly connected with this subject is the accommodation extended by the bank to individuals on the pledge of stock. In all the monthly statements of the condition of the bank, prior to the first of March last, there was no column showing these loans. In that month, for the first time, so far as the committee can discover, a new column is exhibited, entitled "*loans on other stocks*," and which appeared, at that time, to have been transferred from the line called "*bills discounted on personal security*." This change was made in consequence of a call for stock loans, by the House of Representatives. A statement of the same was called for, marked No. 20, which exhibits a list of stocks pledged, consisting of Theatre shares, Museum stock, Arcade stock, Rail-road and Canal stocks, Coal company stock, real estate in Louisiana, &c. &c., amounting to the sum of \$1,713,297 34.

The various transactions in specie, by the bank, has been a subject of special notice by the committee, and various statements called for, show the magnitude of them.

The first statement, marked No. 21, shows the amount of specie exported by the Bank of the United States, during the year 1831:

To London, in Mexican coin,	\$255,000 00
To Paris in Mexican coin,	620,000
To Paris, in gold,	247,000
Do. in mixed bullion,	180,000
	<u>1,047,000 00</u>

\$1,302,000 00

2d. The amount of specie exported since 1819, will be found in the statement marked No. 22.

To England,	2,598,357 00
To France,	2,257,398 50
	<u>\$4,855,755 50</u>
Of this amount, there was in gold,	2,387,927 50
In bullion,	596,717 00
In silver,	1,871,111 00

\$4,855,755 50

3d. The amount purchased since 1824, marked No. 23, shows:

Of silver,	605,850 00
gold coin,	17,596 00
gold bullion,	438,000 00
	<u>\$1,061,446 00</u>

4th. The amount of specie sold since 1817, marked No. 24, shows it be

Of which there was, <i>American</i>	
gold,	81,734 44
British, French, and Spanish,	48,291 35
Silver,	5,051,884 50
	<u>\$5,184,910 29</u>

5th. The amount of specie drawn from each of the southern and western offices, since 1820, to the Bank of the United States and New York, marked No. 25, shows the total amount to be

Of which \$20,925,990 07 has been drawn to those places since the first of January, 1823,	<u>\$20,925,990 07</u>
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6th. The amount of specie, (in the same statement,) sent to the southern and western branches, since 1819, is

The premium received on the specie sold, is 97,140 56	
The premium paid on the specie purchased, is	19,171 85
	<u>\$77,968 71</u>

What profits were made on the specie exported, the committee did not call for documents to enable them to ascertain; it must, however, from the great quantity sent away, have been considerable.

The committee called for a statement of all the specie imported by the bank from abroad, since 1819; but, as none was returned, they presume none was imported.

What proportion of the gold exported was American coin the committee have not before them the means to determine; it was expected to have been given in the statement; but in looking into them, the gold exported is without a designatory name; it is believed, however, the amount is considerable.

In examining this subject minutely, the committee find that large amounts of the specie have been drawn from the office at New Orleans. Of this there can be no complaint; it is the principal depot for returns of goods shipped to Mexico, which are almost exclusively paid for in specie, and it cannot be expected that it will remain there. But the committee suggest whether the withdrawal of the specie from most of the other ports of the country, and substituting paper in its stead, might not be highly injurious to those sections of country subject to its operation.

The subject of the bank's furnishing bills of exchange for the trade of India, China, and South America, has been brought to the attention of the committee by document marked No. 26; and having been so strongly described as affording great advantages to the country.



in the triennial report of September last, as "economizing" the specie of the country. The committee have felt it a duty to examine and present the subject to the consideration of Congress and the commercial community, believing, as they do, that there is something delusive in the operation. The result of their examination has led them to the conviction that this new method of dealing in bills of exchange does not "economize" the specie of the country at all. It is a universal law of drawing, that funds must either go before or follow after the draft to honor it at maturity; and whether it goes directly or circuitously, the funds to discharge it, must, sooner or later, arrive at the place of payment. These bills are to be paid in England; but they go round the Cape of Good Hope before they reach their place of destination. Instead, therefore, of sending the specie directly to India and China, as formerly, who does not perceive that it must now be sent to England, the country upon which these bills are drawn, there to meet them upon their arrival at the place where they are to be paid. The bank consequently becomes the shipper of the specie, to pay its bills, in place of the merchant to purchase his merchandize in the East Indies. It is simply and purely nothing but a change of the destination of the specie, with only the advantage of its going to London.

The mode in which these bills are drawn and disposed of to the purchasers, having twelve months to run, it will be seen by a copy of the obligation taken by the bank, marked No. 27, the committee consider of doubtful utility to the country. The legitimate object of a bank, the committee believe to be the granting facilities, not loaning capital. The supplying of bills appears even more objectionable than loaning capital, for it encourages an operation which commences and ends without the employment of any capital whatever, and is similar in their character to respondentia securities. The buyer is enabled, within the term of credit, to make the voyage, dispose of his goods, and obtain from the proceeds the funds to meet his obligation, and the bank to transmit the same to the place upon which their bills are drawn, (which are at six months sight,) long before they become due. It would seem to produce a greater export of specie eventually, than would otherwise take place if the operations were commenced with specie, and not with bills purchased in the manner described; for the merchant relying upon his immediate resources, would not engage to such an extent in the business, and would combine in the operation much of the produce of the country; whereas, relying upon an extensive credit he hazards every thing on the success of his enterprise. It is a species of speculation in trade leading to great risks, and certainly terminating in overtrading—the evils of which the country is now sorely experiencing. By loans of a similar character by insurance companies, providing funds for traders to China, Government has sustained more loss than in any other branches of trade.

The increase of the number of branches established since 1832, cannot be passed over in silence by the committee, and deserves, as a source of extended influence of the bank, the most serious consideration.

In some few instances where new branches have been established, perhaps they may have been called for by the community, and may have been useful to them and profitable to the bank; but, in most of these cases, the committee doubt whether they were called for from public utility, and their establishment will, in the end, not only prove unprofitable to the bank, but prove very injurious to the communities among which they are located. Mr. Cheves, in a letter of the 27th of May, 1819, to Mr. Crawford, then Secretary of the Treasury, says: "I am perfectly satisfied that, with the present organization of the bank, it can never be managed well. *We have too many branches*, and the directors are frequently governed by *individual and local* interests and feelings. For a time we must bear with the branches, but I hope they will be reduced."

Again, in the same letter, he observes, "the real and original evil under which the country is suffering is over-banking. This leads to excess in trading, manufacturing, building, and the history of the ill-judged enterprises which have been undertaken in these several concerns, would give a full history of all the distresses of this country, excepting a little agricultural distress growing out of the inordinate expectations which the others excited." These opinions fully accord with the views of the committee, and they consider them as peculiarly applicable to the present time, as exhibiting similar causes now operating with extended force, from which similar effects must follow, augmented in proportion to the increase of its branches.

The stockholders, at the triennial meeting on the 1st of October, 1822, recommended a withdrawal of some of the branches then existing, in these words: "In taking into view the business of the bank, as connected with its offices, the committee think it right to recommend to the continued attention of the president and directors the necessity of withdrawing those branches which are found to be unprofitable, and transferring their funds to the offices which shall seem to require additional capital." Since this period *two* have been discontinued, and *nine* others have been established, as per triennial report of 1831. These opinions of Mr. Cheves, in which the committee have concurred, were approved by the stockholders, as will appear by the following extract from this same report in 1822. They say, "they take great pleasure in unanimously declaring that the circumstances of the bank fully realize their anticipations as expressed at their last meeting in regard to the president, (Mr. Cheves,) who, by his talents, disinterestedness, and assiduity, has placed its affairs in an attitude so safe and prosperous as that the burthen of duty devolving upon his successor will be comparatively light."

The committee cannot but think that, had the succeeding direction of the bank been guided more by the opinions and wishes of the stockholders, as then expressed, and gone on gradually growing with the growth, and increasing with the natural wants of the country, great sufferings to the community would have been avoided.

In the year 1817, great abuses existed in the branches of which Mr. Cheves speaks without reserve, in his last report to the stockholders, as well as in his correspondence with Mr. Crawford, and upon casting the eye over the monthly statements, it is remarkable to observe what losses have taken place at the branches compared with the mother bank. For instance: on the first of January last, the loss of the mother bank, on a capital of sixteen millions and a half, was, in round numbers, \$328,000; that of the Baltimore branch was, \$1,662,000, on a capital of one million and a half, so that it lost more than its capital. That of the Norfolk branch was \$229,000, on a capital of 500,000, losing nearly one-half of its capital, and so with all the rest of the branches, their losses are out of all proportion to their capital, and ten times greater than the mother bank, according to the amount of their respective capitals. These losses, however, were principally incurred prior to 1819. The proper inference to be drawn from these facts, is, that the worst of mismanagement has existed in the branches.

The "Contingent Fund" has claimed the attention of the committee. The object for which it was originally created, and the original amount provided, together with the additional appropriations which have been made to it, and the manner in which the same have been applied at different periods, will all be explained in the following documents.

The report of the board of directors, in July, 1821, published in the gazettes at that time, marked No. 28; the reports of the stockholders at the triennial meeting in October, 1822; the report of the dividend Committee, on the 16th January, 1823, marked No. 29; a statement of the particulars of the debts "considered best,"



marked No. 30; a statement of the suspended debt and real estate, with the probable loss thereon, marked No. 31; the statement headed "Contingent Fund," marked No. 32; the sales of the forfeited bank stock, marked No. 33; and the dividend reports for July, 1829, January and July, 1830, January and July, 1831, marked No. 34. To these the committee refer for the particulars of the subjects to which they relate, in connexion with the "Contingent Fund."

The committee feel it their duty now to give their views as to the causes of the present distress in the trading community, and which they fear may greatly increase. It is an acknowledged principle, that like causes, in all cases, produce like effects; and as in 1819 contraction followed the expansion of 1817, and 1818, so, by the same rule, must contraction follow the immense expansion of 1830 and 1831, and like effects and consequences succeed. To illustrate more clearly the position, and bring it home to the mind of every one, the following table of the state of the bank during some of the months of 1818 and '19 and 1831 and '32, are here exhibited, embracing items from which direct calls upon the vaults proceed, and the immediate means which remain to meet them, viz: The first are the deposits, circulation and debts abroad, not on permanent loan. The second, the specie, funded debt, and notes of other banks. The amount of each will be found under their proper heads, at the various periods mentioned. [For this table see page 301.]

The preceding table shows that, at no period in 1819, when the bank was very near suspending payment, was it less able to extend relief to a suffering community than at the present moment. In April of that year, the month in which its difficulties were the greatest, its means of specie, notes of other banks, and funded debt, (which could have been turned into specie or notes of other banks,) amounted to upwards of ten millions of dollars; and the whole demands which could come against it in the same month, of circulation, deposits, and debts owing abroad, amounted only to about fourteen millions. But the committee feel bound in candor to state, that this was after a number of months of constant contraction, not only by the Bank of the United States, but also by most of the other banking institutions of the country, where a general exhaustion had been produced. It was on the 6th April, 1819, that Mr. Crawford, then Secretary of the Treasury, writes to Mr. Cheves thus: "It is even doubtful whether it is practicable, with all the exertions which it is in your power to make, to continue specie payments throughout the year." Under the same date he says, "My impression is, that the safety of the bank can only be effected by withdrawing nearly the whole of its paper in circulation. If the bank does this, all other solvent banks will be compelled to do the same. When this is effected, gold and silver will be introduced into the country, and make a substantial part of the circulation, and enable the banking institutions gradually to resume their accustomed operations. Whilst this is effecting, the community, in all its relations, will be greatly distressed. Considering the extent of the suffering, it is greatly to be desired that some good may result from it."

The committee believe that the course of operations by the bank, during the years 1830 and 1831, have been nearly of a similar character to those of the years 1817 and 1818. Drafts and notes, payable at distant offices, were then freely discounted at the bank of the United States, and the different offices. Bank notes were issued by the bank, without regard to the wants of the community, or the effect upon the circulating medium, which became depreciated, driving the precious metals from the country; and, until the reaction had operated to check them, led to extravagant speculations, which ended in ruin; and relief was not obtained until the circulation of the Bank of the United States had been reduced to about 4,000,000 of dollars. Before this was accomplished, the expedient was resorted to, of cur-

tailoring loans, and, while they were doing that, they continued the issue of bank notes thereby continuing the evil which they were striving to avert.

What is the state of the bank now?

On the 1st of March, (see monthly statement marked No. 35,) the bank had \$6,800,000 specie, \$2,840,000 notes of other banks, and funded debt none!! making an aggregate of \$9,640,000, to meet its circulation of \$23,717,000, deposits \$17,050,000, and foreign debts owing \$1,876,000, making an aggregate of \$42,643,000; and this evil exists while a reaction or contraction is operating to a considerable extent.

This contraction commenced on the 7th of October last, and is evidenced by the following circular, which indicates, beyond all doubt, that the bank had over-traded.

#### CIRCULAR.

BANK UNITED STATES, Oct. 7, 1831.

SIR:—The unusually heavy reimbursements of six millions of funded debt, which was on the 1st instant, advertised by the Government to take place on the 1st and 2d days of January next, but which, according to subsequent notice from the Treasury Department under yesterday's date, may, it appears, be demanded of the bank, by the public creditors, at *any* period of the present quarter, is calculated to press very inconveniently upon the parent bank, and upon the office at New York; the more so, from our uncertainty as to the time when the necessary provision must be made, and from the prevailing active demand for money. Be pleased, therefore, so to shape your business immediately, as that without denying reasonable accommodation to your own customers, or sacrificing the interest of your office, you may throw, as early as possible, a large amount of available means into our hands in Philadelphia and New York, and at the same time abstain, as far as practicable, from drawing upon either of those points; checks and short drafts on the local banks, and on individuals, will prove particularly acceptable for several months to come, and whenever direct claims of that kind, on those two places are not to be procured, you might materially aid us, by taking drafts upon the large cities nearest to them.

I am, respectfully, your obedient servant,

W. McILVAINE, *Cashier.*

Addressed to the Cashiers of all the offices.

Since the 1st of September last, the bank has diminished its means to meet the demands which may come upon it—

First. The whole of the funded debt which it then held,	\$3,497,681 06
Second. The difference between the specie it then held,	11,545,116 51
And the amount it possessed on the 1st April,	6,799,753 63
	<hr/> \$4,745,362 88

Making an aggregate diminution of its means to meet its momentary demands, since the 1st of September, of \$8,243,043 94, whilst during the same period, those demands have increased \$4,197,871 51, viz. the circulation, deposits, and foreign debt, the aggregate of which was, on the 1st September \$38,452,758 67, and on the 1st April, \$42,650,630 18. The measures and the effect appear to be similar to those preceding 1819. The extensive discounting of domestic bills and drafts, payable at distant branches, the amount being on the 1st April, per monthly statement, \$20,354,748 79. The orders for curtailing at the western branches, and the curtailing at the principal offices in the Atlantic cities, and at the Bank of the United States, the amount of which, at the Bank of the United States, between the 5th day of January and the 29th day of March, is \$1,810,408 37; at the office of New York, between the 4th day of January and the 28th day of March, is



\$259,305 43; at the office of Boston, between the 5th day of January and the 29th day of March, is \$167,860 85; (and that too, on a discount line of less than two and a half millions of dollars;) at the office of Baltimore, between the 16th January and the 2d of April, \$123,741 63, and on a discount line of a little more than two millions of dollars, as will be seen by the weekly statement of those offices and the Bank of the United States, marked No. 36.

The most remarkable feature which represents itself to the view of the committee, connected with the present situation of the bank, and the course of operations upon it since the 1st of September last, is the increase in the circulation of its notes, which amounted on the 1st September to \$22,399,447 52, and on the 1st April to \$23,717,441 14, making the increase of \$1,317,993 62. During this period the bank undertook to check the exportation of specie by supplying bills at such a rate as left no inducement for individuals to ship it; to do which they exhausted all the funds which they could procure from every source. Over \$5,000,000 were remitted, as per statement marked No. 16, and still left them with a debt of more than \$1,700,000 in Europe at this period. The cause which led to this necessity still yet exists, with an increase to the extent of the increase of circulation, and but for a decline in the price of specie in Europe, it would still continue to be exported.

The committee would present another striking analogy between the situation of the bank in April, 1819, and its present condition. At the first mentioned period, Mr. Cheves informed the Secretary of the Treasury that the bank would not pay the Louisiana debt of three millions without negotiating a loan in Europe, and two millions were actually borrowed in Europe, the indulgence of the government being obtained to that effect. The bank, at this time, is precisely in the same situation; it has asked the government to postpone the redemption of the three per cents. from 1st of July to 1st October, and has assumed the payment of one quarter's interest on these stocks, being substantially equivalent to borrowing seven millions of the government's money for three months.

The supplying of exchange by the bank, as has been done for the last five months, and the curtailing of discounts, are but mere *palliatives*, as the committee fully believe; and they are persuaded that no measure can be *invented* to restore a sound currency, and a regular state of things generally, and give a solid and permanent value to property, but the withdrawal of a large portion of notes now in circulation, by the bank, which will compel other banks to do the same.

The committee will here introduce a quotation from Mr. Rush, in his Treasury Report in 1828; which fully accords with their sentiments. "It is the preservation of a good currency which can alone impart stability to property, and prevent those fluctuations on its value, hurtful alike to individual and national wealth." Again, he says, "this advantage the bank has secured to the community, by confining within prudent limits its issues of paper, whereby a restraint has been imposed upon excessive importations, which are thus kept more within the true wants and capacities of the country. According to the triennial report of the directors to the stockholders on the 1st of August of 1828, the amount of circulation then was \$13,044,760 71; and on the 1st of April last, as before stated, it was \$23,717,441 14, presenting the astonishing difference of \$10,671,780 43, in less than four years. Can this be considered, according to the sound doctrine of Mr. Rush, confining its issues of paper to prudent limits, whereby a restraint has been imposed upon excessive importations? That great contractions are injurious, the committee consider they have adduced an authority that cannot well be doubted, and that a great one is now in operation, there are too many general evidences in confirmation of the fact to be refuted. A particular one will suffice, which is ta-

ken from the documents called for by the Senate, and presented to that body by the Secretary of the Treasury, on the 12th of March last; in which will be found a communication from the president of the bank, stating that the amount of branch notes redeemed by the Bank of the United States at Philadelphia, during the month of February last, only, to be \$726,000; and the amount redeemed in 1831, during the same month, was only \$368,910.

In a letter under date of the 26th of March last, to the chairman of the committee, the president of the bank says, "that the amount of branch notes redeemed at the New York office during the year 1831, was \$13,219,635, and at Philadelphia, \$5,398,800, making a total of \$18,618,435, with an increase of circulation between the 2d of February 1831, and the 2d of January 1832, of more than six millions of dollars, as per monthly statements, and decrease of its means, between the 2d of February 1831, and 1st of April 1832, to meet immediate demands, of more than twelve millions of dollars, viz:

In specie, funded debt, and notes of other banks, which, at first named date, amounted, as per monthly statements, to	\$21,756,668 10
And the last to	9,640,000 00

\$12,116,668 10

Making, as just stated, a diminution in the active means immediately applied to the extinguishment of its debts, of considerably more than half of its former capacity, to effect the same object.

With such an increase of issues, and the influence of a most powerful reaction now operating upon the fiscal energies of the country, as is exhibited by the difference of the redemption of branch notes at the periods and places above mentioned, together with such reduction of its means, to meet its engagements, must, we fear, compel them still further to curtail their accommodations.

It is evident from the circulars addressed to the branches, and correspondence with them since October last, that the chief object of the bank has been to sustain itself—the statements accompanying this report, clearly proving that the bank has not increased its facilities to the trading community, in any part of the Union.

The Bank of the United States, among other conditions of its charter, is bound to make collections of the public revenue, to transfer the same, or any part thereof, from one point to another, that they may be required, and to make any and all payments for the account of the government, whether for principal, interest, civil list, army, navy, pensions, or for any other purpose whatever, free of all and any changes for such services.

For performing this duty, the bank has claimed, and has received from the treasury department, and the country generally, for some years past, merit to an extent that could not have been surpassed, even if all those services it performs were gratuitous. This and other circumstances have led the committee to an investigation of the subject, as far as the limited time would allow, before closing their labors, to see how far the bank is entitled to the credit bestowed upon it, and to what extent the bank has *aided* the government in its fiscal operations, beyond the obligation imposed in obedience to its charter.

The government, in its collections through the Bank of the United States, receives nothing but specie, or notes of the Bank of the United States, and makes its payments in nothing else. If the notes of State banks are received by the bank in place of its own, it is a private matter between such banks and the Bank of the United States, and one with which the government does not concern itself; and it is to be presumed that the Bank of the United States is too watchful and vigilant in the protection of its own interests, not to see that it obtains from the State Banks, for the notes thus taken, specie or its equivalent, or its own notes, in exchange, and



thereby be provided with a fund from the collection of the revenue, equal in value, to that in which they are required to pay.

The largest portion of the revenue, particularly from imports, as it is universally known, is collected in the Atlantic cities, north of the Potomac. Those cities being the great marts of supply to nearly the whole of the United States, and places to which remittances centre from almost every part of the country, creates a demand for funds upon them, from nearly every quarter, constantly, and generally at a premium. Therefore, so far as the bank is called upon to transfer funds from those cities to other places, it becomes a matter of profit, and not of expense to it; and the greater the distance, the greater the premium; and the larger the amount thus required to be transferred by the government, and the greater the distance, the greater the profit and advantage to the bank.

That the bank has aided the Government thus far the committee are unable to discover, or that they are under any obligations to the bank for those services, they are at a loss to imagine. How far the bank has aided the Government in its fiscal operations, as it claims to have done, will be seen by a communication from the president of the bank to this committee, hereafter adverted to in another part of this report; and also in a report of the committee of the stockholders, at the triennial meeting on the 1st of September, 1831, in the following words: "That the bank, through the whole course of its operations, has effectually assisted the Treasury in the collection and distribution of the public revenue, and that, of late years, it has been signally efficient in preventing the discharge of the public debt from disturbing the operations of commerce, or the value of pecuniary investments."

Now the committee are not able to discover upon what principles the foregoing declaration is made. By referring to that correspondence, in 1819, between the then president of the bank and the then Secretary of the Treasury, the committee discover that the bank was then applying to the Treasury Department to aid in its operations, and was receiving all that it could promise.

On the 20th March, 1819, the president of the bank closed a communication to the then secretary, Mr. Crawford, thus—"I have ventured to trouble you with those views with the hope that you will pardon the liberty, and with the conviction that if you can serve this institution in any of them which you shall deem consistent with the public good, you will feel a pleasure in doing so." The Secretary of the Treasury, in closing his answer, under date of the 27th March, 1819, says, "every facility which it is in the power of this department to afford the bank, in its efforts to support specific payments, and to restore the currency to a natural state, may be confidently relied upon."

By a reference to a statement of the public deposits in the Bank of the United States each month, from March 1818, to March 1832, inclusive, marked No. 37, it will be seen that from the 1st of January 1823, up to the month of March 1832, there has been only one period, (November 1825,) when the public deposits did not exceed four millions of dollars, in the hands of the bank, and they frequently amounted to eight, nine, ten and eleven; and on one occasion to twelve millions of dollars.

By a reference to document marked No. 38, it will be found that since the month of March 1824, at all the different periods immediately following the redemption by the government of portions of its funded debt, there is no one time when the bank was not left with more than one million and a half of dollars of public deposits; and in many instances with four and five millions, which sums were, immediately after, increasing by the constant accumulated collection of the public revenue.

The bank, as it collects the revenue, knows, or ought to know, that it will be called upon by the government

to reimburse it, and in all cases of redemption of the funded debt, three months notice is given by the Treasury of such intention. With such notice, and with proper management on the part of the bank, the committee cannot see that either the government requires any aid, or that the community can be effected by the course of the operation.

The bank has its legitimate banking capital with which to do its regular business, and accommodate the community. As it collects the public revenue it is enabled both to avail itself of the advantage of employing it to its own benefit, and the accommodation of the commercial community who principally contribute to its payment, by commencing the discounting of *business* paper, payable within or about the time they know they will be called upon to make the payments on account of the government; and, as they gradually approach that period, they must always shorten the period which the *business* paper has to run, until they arrive at the time the call from government is made upon them when the *business* paper will have been paid off, the bank then pays the government, and the government immediately again circulates it among the community.

The operation, as thus described, appears to the committee too plain and simple to require any further illustration; and if the principle is sound, and has been acted upon by the bank, they cannot discover, in what manner the operations of commerce could have been disturbed, or the value of pecuniary investments have been affected by the payment of the public debt by the government.

But if the bank has, as the revenue has accumulated to the Treasury Department, gone on discounting upon it, or loaning it out, disregarding the period when they would be called upon to reimburse it, the committee can readily perceive that when that order arrived, they would be found not only deficient in preparation, but in a state of surprise, and that the payments would first embarrass the bank, and then lead it to press and embarrass the commercial community.

From the observations made, and the examination of documents during the course of this investigation the committee have strong reason to apprehend that the course pursued by the bank has been upon this latter principle. If so, the bank has incurred a high responsibility.

The committee believing the subject of the late postponement of a portion of the 3 per cent. stocks, intended as they understood, to have been paid on the 1st of July by the government, to be within the province of their inquiries; and believing, also, that it had a strong connexion with the present state and situation of the affairs of the bank, and for the purpose of enabling them to form a correct and true opinion upon that subject, they made a call upon the president of the bank, for the correspondence in relation to the postponement of that payment in the following words: "Will you please give a copy of the correspondence connected with your application in March last, requesting a suspension by the Government, of the payment of a portion of its debt intended to have been made on the 1st July next, or a statement of the arrangement made in relation to that subject." Which correspondence was communicated by the president of the bank, with the following remarks: "I have made no application to the Government, nor have I requested any suspension of the payment of any portion of the public debt."

"The inquiry, I suppose, relates to this circumstance, 'I received a letter from the acting Secretary of the Treasury, dated the 24th of March, 1832, informing me that Government was about to issue a notice on the 1st of April, of their intention to pay, on the 1st of July next, one-half of the three per cent. stock, and to do it by paying to each stockholder one-half of the amount of his certificate.' He added,

'If any objection occurs to you either as to the



amount or mode of payment, I will thank you to suggest it."

"Thus invited by the Government to a communication marked 'confidential,' to give my opinions on a measure contemplated by the Government, I felt it my duty to express my views of its probable operation; in my reply, therefore, dated 29th of March, I stated 'that so far as the bank is concerned no objection occurs to me, it being sufficient that the Government has the necessary amount of funds in the bank to make the contemplated payments.' I then proceeded to observe, that in the present situation of the commercial community, and with a very large amount of revenue, (amounting to nine millions,) to be paid before the 1st of July, the debtors of the Government would require all the forbearance, and all the aid that could be given them: and that the payment proposed by creating a demand for the remittance of several millions of dollars to European stockholders, would tend to diminish the usual facilities afforded to the debtors of the Government, and might endanger the punctual payment. For this reason, I thought it for the interest of the Government, to postpone the payment till the next quarter. I further stated, that the plan of paying to each stockholder only one-half of his loan, would not be so acceptable as if his whole loan were repaid at once.

"Having thus performed my duty in giving the opinion asked, I left it, of course, to the government to decide. On the part of the bank, I sought nothing, I requested nothing. After weighing the circumstances, the government were desirous of adopting the measure, but the difficulty I understood to be this, that the sinking fund would lose the quarter's interest, from July to October, of the sum intended to be paid in July; and that the government did not feel itself justified in making the postponement, unless that interest could be saved; but that it would be made, provided the bank would make the sinking fund whole on the 1st October. To this I said, that, as the bank would have the use of the fund during the three months, it would consent to save the sinking fund harmless, by paying three months interest itself; and so the matter stands."

Now, it will be seen, that the bank, in all this, has had not the least agency, except to offer its opinion, when it was asked, in regard to a measure proposed by the government; and then to offer its aid in carrying that measure into operation.

The committee cannot discover any ability which the bank possesses or will possess, to give increased aid to public debtors in the payment of the nine millions of dollars falling due (as is said) in the quarter ending with the 1st of July; but, on the contrary, they believe that such is the situation of the bank now, and such will be the demands which it will be called upon to meet, that it will require the aid of all the accumulated collections for the government, to sustain itself. The committee are fully of opinion, that though the bank neither "sought" for, nor "requested" a postponement of the payment by the government, as stated in the declaration of the president, yet if such postponement had not been made, the bank would not, on the 1st of July, have possessed the ability to have met the demand, without causing a scene of great distress in the commercial community.

The committee are unable to discover in what manner the bank could afford aid to the Government, in carrying into effect the measure they proposed, which the president of the bank, in his remarks, speaks of having proffered to them. All that the Government could ask of the bank on the 1st of July, or at any other time, would be, to pay over to them the amount it had collected for their account, when they wished to employ it—the same as a principal would call upon his agent to pay to him moneys which he had collected for his benefit.

By document marked No. 39, it would appear, that, on the 13th of March last, the bank was aware of the

intention of the Government to pay off during the year, a great portion of the 3 per cent. stocks; and the subject of making an arrangement with the holders, was, on that day, referred by a resolution of the board, as follows:

Resolved, That the subject of the communication just made by the president, be referred to the committee of exchange, with authority to make, on behalf of the bank, whatever arrangements with the holders of the 3 per cent. stock of the United States as may, in their opinion, best promote the convenience of the public, and the interests of this institution.

This proceeding on the part of the board, *nearly two weeks* before they were officially informed of the intention by the Government to make the proposed payment on the 1st of July, demonstrates fully, to the minds of the committee, an acknowledgment on the part of the administration of the bank, of its inability to meet the demands which the contemplated payments of the Government 3 per cents. would bring upon it, without producing the distress before alluded to.

In a letter to the Secretary of the Treasury, from the president of the bank, dated the 29th March, 1832, marked No. 40, is the following:

"Owing to a variety of causes, but mainly to the great amount of duties payable for the last few months, there has been a pressure upon the mercantile classes, who have been obliged to make very great efforts to comply with their engagements to the government. That pressure still continues, and it may be prolonged by the same cause—the amount of duties still payable during the next three months. This state of things seemed to recommend all the forbearance and indulgence to the debtors which can be safely conceded. The inconvenience, then, of the proposed measures is, that the repayment of the six or seven millions of dollars, more than half of which is held in Europe, may create a demand for the remittance of these funds, which would operate injuriously on the community, and, by abridging the facilities which the debtors of the government are in the habit of receiving from the bank, may endanger the punctual payment of the revenue, as the bank would necessarily be obliged to commence early its preparations for the reimbursement of so large an amount of public debt.

My impression, therefore, is that, with a view to the safe and punctual payment of the public revenue, the government would be benefited by postponing the proposed payment of the public debt to another quarter, by which time the country will sustain less inconvenience from demands on foreign account."

The committee are obliged to dissent from the views expressed by the president in the foregoing extract. The committee cannot believe that the pressure which has, and which continues to exist since October last, is attributable mainly "*to the great amount of duties payable for the last few months.*" The committee believe the operations of the Bank of the United States in Philadelphia, and the offices in Baltimore, New York, and Boston, (the four principal places where bonds are payable,) during the last quarter, furnish evidence to the contrary. By a reference to the weekly statements of the Bank of the United States, the offices at Baltimore, New York, and Boston, from July 1831 to April 1832, marked No. 36, it will be seen, that the amount of reductions on discounts and loans at those four largest commercial cities, during the last quarter, taking the maximum amount in January 1831 to April 1832, marked No. 36, it will be seen, that the amounts of reductions on discounts and loans at those four largest commercial cities, during the last quarter, taking the maximum amount in January last, and ending on the 1st of April, is \$2,498,489 76, or in round numbers, two millions and a half of dollars; this reduction by the bank and its branches, has probably compelled a similar reduction on the part of the State institutions, in proportion to the amount of their loans in each of those places.



In this, and in this alone, the committee are fully persuaded is to be found the true secret of the pressure which has existed, and does still exist, operating upon the commercial community.

That this pressure will continue for some time to come, the committee fear; for the expansion has been so great, that the contraction which is now in operation cannot, in the opinion of the committee, be effectually checked or controlled, without a necessary curtailment of discounts.

If the bank possessed the ability to sustain itself without curtailing its discounts, the revenue falling due the present quarter, might be collected, and facilities granted during the time, upon the principle before pointed out, to the commercial community, and disbursed again by the Government, without any inconvenience being caused by the operation. But such ability, the committee are well satisfied the bank does not possess, nor cannot at present command. Besides the diminished means of the bank previously alluded to, through the loss of five millions of its specie, its foreign exchange and other resources, one of the great difficulties under which it now labours, in paying the public debt, is its being compelled to receive the public revenue, in the Atlantic ports, in a currency, to wit, branch notes and drafts of the western offices, not promptly convertible, and to pay the public debt in current money.

Without a large abridgement of the usual accommodations, which will, of course, greatly distress the community, the committee are under the strongest conviction that it will be little better able to meet the pressure the Government payments will cause, on the 1st of Oct. than they would have been on the 1st of July. The words of Mr. Crawford, in a letter dated 6th of April, 1819, to the president of the bank, the committee consider peculiarly appropriate here to introduce. "Palliations may prolong the existing embarrassments, and by exciting the hopes and fears of the community, aggravate the existing evils, but cannot influence the final result."

In another letter, dated the 9th April, 1819, to the same gentleman, he says, "Banks, in order to secure specie payments, must approximate their circulation and individual deposits, to a sum justly proportioned to the amount of specie in their vaults. Any thing short of this will keep them in a precarious state, and postpone the period when banking operations can be safely prosecuted upon ordinary principles."

When an institution, with investments amounting to 75,000,000, commanding the foreign and domestic exchange of the country, monopolizing the government deposits, cannot, at the moment when we are exporting our annual crop of cotton, amounting, by the admission of the president of the bank, to \$20,000,000 (but really near thirty,) transfer a few millions of its funds abroad, to pay the government debt, without embarrassing its operations; and seriously distressing traders, is there not reason to believe that its business has been too much and too rapidly extended?

In the late letter of the president of the bank to the Secretary of the Treasury, of the 29th of March last, there is the following postscript: "As an illustration of the effect of the measures I have suggested, I may mention that, in the month of February last, the collector of New York, with a laudable anxiety to protect the public revenue, applied to the bank to authorise an extension of loans in that city, in order to assist the debtors to the government. This was promptly done; this I should desire to do again, as the payment to the government during the next quarter will be very large."

The committee in order to ascertain the precise manner in which the annual election of directors has been conducted, called at an early period of the investigation, for the following document, viz: "A statement of the number of votes given at each annual election of directors since that of 1823, the whole number of votes given, the number given in person, and the

number given by proxy, and in the latter case, by whom," which statement was not furnished the committee, but the statement, marked No. 41, was furnished. This shows the whole number of proxies to be 4,533, of which the president holds, exclusively, 1,436, and as a trustee, in conjunction with others, 1,684, which gives him, without intending to impugn the exercise of the power, decidedly a preponderating control in the election of directors, a power which was never contemplated by the charter; so far from it, that instrument, as well as subsequent laws passed by Congress, have studiously endeavoured to prevent the very mischief which this accumulation of proxies in the hands of one person, is most obviously calculated to produce. The charter has limited the votes of the largest stockholders, no matter what may be the number of shares, to the number of thirty, clearly with a view to prevent the whole affairs of the bank from falling into the hands of a few individuals. It is too powerful an engine to be controlled by one man alone, and this must be apparent to the good sense of every one; yet, notwithstanding this restriction, by the use of proxies, individuals, with little, or no immediate interest, can perform what those possessing a direct and deep interest, are prohibited from doing. Connected with this subject, there is one which ought not to go unnoticed.

The charter positively requires twenty-five directors; for some years past, as appears by the list of directors, marked No. 42, there have been but twenty-four. The president of the bank holding the appointment from the government and the stockholders at the same time.

Upon a reference to the weekly statement of the office at New York, from July, 1831, to April, 1832, before alluded to, the committee find no aggregate increase of loans; but on the contrary, they find that there has been a reduction in the amount viz; the amount on the 29th February, being less than on the 2d and the 8th days of the same month, and \$140,000 less on the 28th day of March, than on the 29th of Feb. previous.

By examining the statement No. 36, it will be seen that the total amount of discounts at the New York branch, between the 4th October, 1831, and the 28th of March, 1832, were actually diminished \$468,447 17, while during the same time, the bonds paid at that port, amounted to between nine and ten millions of dollars.

The committee cannot pass over mentioning the subject of the sums paid for printing. By reference to a statement furnished the Senate in March last, it will be seen that, from the period of the establishment of the bank, after the year 1817, up to the year 1829, the sum paid for printing, in any one year, has not exceeded \$867 19; and in some years, it has been as low as \$124 and \$165 50. But in 1830, the amount is swelled to the sum of \$6,762 54; and, in 1831, to \$9,187 94. In the year 1817 the year in which the bank was established and went into operation, and consequently a greater expense was incurred, the expense for printing was \$3,226 15.

What circumstances occurred or existed during the years 1830 and 31, to require such an unusual increase in this branch of expense, over the preceding years in the ordinary course of its business, the committee have been unable to discover, though they called for the accounts under this head of expenditure, but have not yet received them. In the same document is contained the sums paid to "attorneys," annually, since the establishment of the bank. This subject, owing to their limited time, the committee were unable to investigate. Sufficient, however, came to their knowledge, to justify the belief that the sums returned as having been paid to "attorneys," embrace only what was paid to them in that distinct character; that the sums paid to solicitors and counsellors for the bank, are not in the amount given.

The committee addressed the following inquiry to the president of the bank, believing that it involved a fact which will be useful to Congress in its future legislation on the subject of its charter:



“Did Mr. Ellsworth, or any one else of the State of Connecticut, as assessors of taxes of that State, write to request you to give him a list of stockholders belonging to that State for the purpose of taxing them according to a law thereof?”

The president replied—“In December, 1829, Henry L. Ellsworth, of Hartford, in Connecticut, addressed a letter to me, requesting to be furnished with a list of the stockholders of the bank residing in Connecticut, for the purpose of taxing the stock. The request was declined, for reasons which will appear in the correspondence hereunto annexed;” to which the committee refer, marked No. 43.

The committee, in calling for various statements, have collected a number of useful documents, not referable to any particular head, but as containing a mass of useful information, they present them to the House, subject to their future order, and, if found necessary, to be appended to this report, when it, together with the papers to which it refers, shall be published.

The majority of the committee feel authorized to state that they have not been able to give even the parent bank that investigation which its extensive operations deserve, much less the branches—in some of which there have been subjects of complaint, but which they have been compelled to abandon for the want of time.

The committee that investigated the affairs of the bank in 1819, when it had been but two years in operation, with its business much less extended than at present were engaged, as it would seem from the records of that day, from the 30th of November to the 16th of January, before they reported, and then they had not made as thorough an examination as the transactions of the institution seemed to require. At the present time, with a greatly enlarged business of sixteen years’ accumulation, and twenty-five branches, whose operations have been charged with signal instances of irregularity, the bank requires a much more minute examination than the committee have been able to give it.

There have been many statements called for, which the business of the bank and the shortness of the time allowed for the investigation would not admit to be furnished. The committee were particularly desirous of ascertaining how far the payment of the public debt, and throughout the whole term of the existence of the bank, affected its operations, and called for all the resolutions and correspondence relating to that subject since 1817, but have only received such as related to the three per cent. loan, and the circular of the 7th of October last.

On the subject of specie payments, domestic and foreign exchange, investments in public debt by the bank in 1824 and 1825, and its ability to make loans to the Government—the influence of the operations of the bank upon trade—on the increase of the paper circulation of the bank—its agency in diminishing or enlarging the circulation of local banks, and the means of permanently regulating our general circulation, so as to prevent its injurious effects upon the trade and currency of the country; all matters of vital importance in the reorganization of the bank; concerning which the committee submitted a number of inquiries to the President of the bank, who has not been able, from the press of other indispensable duties, to answer; and which queries are appended to this report. The investigations, however, which have been made, imperfect as they were, fully justify the committee in saying, that the bank ought not, at present, to be rechartered.

It is obvious, from the statements submitted, and the correspondence with the treasury concerning the public debt, and the fluctuations of the revenue of government, that these have hitherto essentially affected the general circulation and operations of the Bank of the United States. It would, therefore, seem to your committee to be most judicious not to act upon the question of rechartering that institution, or of chartering any other national bank, until the public

debt shall have been paid off, and the public revenue shall have been adjusted to the measure of our federal expenditures.

TABLE  
Referred to in the Report of the Select Committee appointed to examine into the affairs of the Bank of the United States.

	1818. September, October, November, December, 1819. January, February, March, April, May, June, 1831. September 1. 1832. January 1. April 1.	Funded Debt.	Specie.	Notes of other Banks.	Issues.	Circulation.	Deposites.	Due in Europe.
		9,430,926 60	2,780,728 15	2,838,632 19	19,622,881 39	8,214,883 10	12,484,420 16	1,908,706 37
		7,425,549 12	2,818,208 96	2,541,072 90	19,854,881 39	8,713,951 05	12,986,543 83	173,072 80
		7,393,049 12	2,176,928 92	1,974,037 01	19,968,934 15	8,348,421 82	8,682,734 85	596,482 99
		7,393,049 12	2,389,626 28	2,039,001 58	19,989,618 07	7,286,069 49	9,134,038 14	499,517 04
		7,391,823 64	2,666,696 52	1,877,909 13	13,719,828 49	6,563,750 19	5,792,871 40	2,049,212 72
		7,391,823 64	2,184,088 57	1,999,537 84	13,719,828 49	6,441,407 17	6,374,907 53	1,665,083 69
		7,322,823 64	2,053,622 90	2,048,108 08	13,719,828 49	5,994,301 17	6,581,929 49	1,150,911 13
		7,160,210 71	2,104,739 53	1,749,951 40	13,867,328 49	6,829,690 21	6,147,610 69	876,648 00
		7,139,485 36	2,283,882 49	1,830,514 55	14,068,138 49	5,615,024 91	5,658,935 72	445,320 23
		7,139,485 36	2,510,371 27	1,415,580 35	14,084,138 49	5,083,613 40	5,424,707 87	356,007 31
		3,497,681 06	11,545,116 51	2,080,442 33	35,811,623 96	22,399,447 52	15,884,938 43	168,373 72
		2,200 00	7,038,823 12	2,171,676 31	40,621,211 18	24,630,747 60	17,997,689 57	1,4 47,784 68
		None.	6,799,753 63	2,836,900 40	42,118,452 13	23,717,441 10	17,056,386 69	1,876,802 39

EASTON, (Pa.) April 10.  
CIRCUIT COURT PROCEEDINGS.

The Circuit Court for this county commenced on Monday the 2d inst. Judge Huston presiding. The first case tried was

BENJAMIN CHEW, Esq.  
vs.

Conrad Keck, Peter Dreisbach, John Miller, George Gross, Conrad Bachman, (weaver) Frederick Bachman, Conrad Bachman, Adam Flickinger Jacob Geiser, Joseph Fenstermacher, Conrad Dreisbach, Herman Rogers, Philip Renner and Henry Renner.

This was an action of ejectment brought in the name of Benjamin Chew, Esq. of Philadelphia, to recover



750 acres of land situate in Lehigh township. The plaintiff set up his title to these lands under a deed of lease and release from William Penn, to Thomas Church, bearing date 3d April, 1695. A warrant dated 25th November, 1737, from Thomas Penn, on the application of Theophila Patridge, executrix of Thomas Church, to survey for the use of his heirs 1500 acres of land, in the province of Pennsylvania, whereof this is one moiety—a survey and return thereof dated 19 July, 1739. The first papers given in evidence by plaintiff's counsel, were the warrant, which recites the deed of lease and release, and the proceedings of Commissioners of property thereupon. The survey was then offered in evidence and objected to by the defendants' counsel, as being made without authority—it not being signed by Scull, Deputy Surveyor.

**BY THE COURT.**—The indorsement on the survey shows it was received into the Land Office, and as that is the case, it is of no consequence who made it. It is but lately the authorized surveyors write D. S. after their names.

The will of Thomas Church, was next offered, dated the 30th of June, 1730, and proved in the Prerogative Court of Canterbury, in England, accompanying which was the affidavit of Jarvis Kendrick, that the copy was a true one, and that the annexed seal was the seal of the Prerogative Court of Canterbury. Defendants' counsel object, 1st. That there is not sufficient proof of the seal—the affidavit being *exparte*. 2d. No record or registry of Church's will. 3d. No affidavit of mode of probates. The court after argument admit it to be read.

Following this was the will of Theophila Patridge, dated May 17, 1736, and proved 17th April, 1748; objected to by defendants' counsel in addition to former objections, that Theophila Patridge, being only tenant for life, she cannot pass real estate.

**BY THE COURT.**—I will for the present admit the will to be read, and will tell the jury in my charge whether it conveys title or not.

The will of her son John Patridge, dated 19th April, 1748, and proved 22d December, 1748, was next read; also the will of Samuel Ingram, dated 25th October, 1773, and the will of Thomas Ingram, dated 16th July 1774,—bringing down the title to Frances Ingram, who intermarried with John Rice.

The plaintiff's counsel next offered deeds of lease and release from Frances Rice and Rev. John Keeble, to the plaintiff B. Chew, dated 4th and 5th September, 1815. Proved before the Lord Mayor of London. The defendants' counsel object—that the deeds are not proven, and cannot go in evidence. There is no proof that the seal in question is the corporate seal of London, and the seal of London cannot in this State prove itself.

**BY THE COURT.**—I should like very much to have the whole of this case before the Jury; but if the defendants' counsel insist, I don't see how I can get over the objection. The deeds cannot go in evidence, besides, it is a point of importance whether any of these deeds relate to the land in question or touch them at all. It is also remarkable that the release refers to another and prior deed to Benjamin Chew. The plaintiff's counsel then allege they were taken by surprise and ask the court to withdraw a juror and continue the cause.

**PER HUSTON, J.**—I cannot withdraw a juror. If it were done in this case, it might be done in every case where the plaintiff on the trial finds that he fails in his testimony. It cannot be done: and if it could, I would not do it in favor of a title that has lain asleep for 95 years. The plaintiff's counsel then submit, that as the seal was already in evidence, the seal should be put before the Jury for comparison.

**SED PER CURIAM.**—The seal in evidence was *not admitted*, it was *disputed*, and its authenticity *denied*; with such a seal comparison wont do. Plaintiff's counsel then submit to a non suit, with leave to move to take it off. Plaintiff appeals to the Supreme Court. *Porter*

and *Brooke* for plaintiff, and *John M. Scott, Hoffman*, and *Prior*, for defendants.

From the Blairsville Record.

#### SKETCHES, No. VII.

#### *Of the Life, and Military and Hunting Adventures of* **CAPTAIN SAMUEL BRADY.**

(Continued from page 270.)

The massacre at Fort Freelying cast a damp on the settlement at West Branch, but the hardy settlers prepared for the worst, by such measures of precaution as their means afforded. The Indians, after committing some further depredations, and murdering some families in Buffalo valley, retreated. The settlement progressed and had reached the Muncy hills. A fort was built at the mouth of Muncy creek, near where Pennsborough now stands, the command of which was given to Captain John Brady.

Frequent skirmishes took place between the whites and Indians, who resumed their old practice of harassing the settlers by dividing themselves into small squads, taking some prisoners, scalping others, and carrying away or destroying the cattle and moveable property of their victims. Brady, it appears, left the fort of the regular service, prior to the battle of Brandywine.

Shortly after the return from, the camp of Captain Brady and his son, a company of men formed for the purpose of aiding a friend to cut his oats, near the mouth of Loyalsock creek. James Brady, son of Captain John, the younger brother of Captain Samuel of the Rangers, went along. According to a custom in those days, which was, that if no commissioned officer were present, the company selected a leader whom they styled "Captain," and obeyed as such; James was selected leader or Captain of this little band of about twenty men. After arriving on the ground, they placed two sentinels at opposite sides of the field; the other sides having clear land around, were not thought to require any. The guns were all placed together at one side of the field, and the order was, that in case of alarm, all were to run to the rifles.

The first day, which was spent in cradling the oats, nothing remarkable happened; during the night a strict watch was kept. The next day in the evening, one of the sentinels fired, and cried, "Indians." The young Captain without looking round for his men, ran for his rifle. When near the guns he was fired upon by a *white man* with a pistol—Happening to stumble over a sheaf of oats he fell, and the ball missed him. The Indians supposing him dead, ran to secure his scalp. He fell within reach of the guns, and seizing one he shot the first Indian who approached him. He now discovered that his men had fled and left him to contend with the savages alone.

Despair rendered him but the more determined to die gallantly. He caught another gun, and brought down a second Indian. They rushed in upon him in numbers; he was a stout, active man, and struggled with them for some time. At length one of them struck a tomahawk into his head. He was stunned with the blow, and for a time remained altogether powerless; yet strange as it may seem, he retained his senses. They tore the scalp from his head as he lay in apparent death, and it was quite a trophy to them; for he had long and remarkably red hair.

After they had scalped him, as he related afterwards, a little Indian was called and made to strike the tomahawk into his head in four separate places, then leaving him for dead, they took the guns with them and fled to the woods.

After coming to himself, he attempted, between walking and creeping, to reach a little cabin where



was an old man who had been employed to cook for the working party. On hearing the report of the guns the old man had hid himself, but when he saw Brady return, he came to him. James begged the old man to fly to the fort, saying, "the Indians will soon be back and will kill you." The old man refused to leave him. Brady then requested to be taken down to the river, where he drank large quantities of water. He still begged the old man to leave him and save himself, but he would not. He next directed his old friend to load the gun that was in the cabin, which was done and put into his hands; he then lay down and appeared to sleep. A noise was suddenly heard on the bank above them; he jumped on his feet and cocked the gun. It was soon discovered that the noise was made by some troops who had come from the fort on horseback in pursuit of the Indians. They carried the brave young "Captain" to the fort, where he lived for five days. The first four days he was delirious, on the fifth his reason returned, and he described the whole scene he had passed through, with great minuteness. He said the Indians were of the Seneca tribe, and amongst them were two chiefs; that one of those chiefs was a very large man, and by the description he was supposed to be *Cornplanter*; the other he personally knew to be the celebrated chief "Bald Eagle;" from whom certain creeks and the Ridge so called in Centre and Huntingdon counties, have their names—"The Bald Eagle's nest," as his camp was called, was for part of the year at the mouth of the creek called "Bald Eagle," which empties into the Susquehanna near the Great Island, and about thirty miles by water, from the scene of action.

On the evening of the fifth day the young Captain died, deeply regretted by all within the fort. Vengeance, "not loud but deep," was breathed against the Bald Eagle; but he laughed it to scorn till the fatal day at Brady's Bend on the Allegheny.

War with the Indians again broke out all along the frontiers, and men of activity and courage were sent to the forts on the West branch, and every precaution taken for the security of the settlements. It became necessary to go up the river some distance to procure supplies for the fort, and Captain John Brady, taking with him a wagon, team and guard, went himself and procured what could be had; on his return in the afternoon, riding a fine mare, and within a short distance of the fort, where the road forked, and being some distance behind the team and guard, and in conversation with a man named Peter Smith, he recommended it to Smith not to take the road the wagon had done, but the other, as it was shorter. They travelled together till they came near a run where the same road joined. Brady observed "this would be a good place for the Indians to secrete themselves." Smith said "Yes." That instant three rifles cracked, and Brady fell; the mare ran past Smith, who threw himself on her, and was carried in a few seconds to the fort. The people in the fort had heard the rifles, and seeing Smith on the mare coming at full speed, all ran to ask for Captain Brady: his wife along or rather before the rest. To their question where is Captain Brady? Smith replied, "In heaven or hell, or on his road to Tioga." Meaning he was either dead or a prisoner to the Indians.

The men in the fort ran to see the spot; the wagon guard had also been attracted by the firing. They found the Captain laying on the road, his scalp taken off, his rifle gone, but the Indians were in such haste they had not taken either his watch or his shot pouch.

Samuel Brady, Captain of the Rangers, or Spies, for the people called them by both names, was in Pittsburg when he heard of his father's death—as mentioned before.

It chanced that the party of Indians, one hundred strong, he encountered at Brady's Bend, on the Allegheny—mentioned in No. V.—several years after the death of his father and his brother James, was a war party of Senceas, under the command of Cornplanter, on

their march to the Bald Eagle's nest, and that the Bald Eagle himself was in company with them.

Captain Samuel Brady recognized the Bald Eagle on that day in the pass, and fired at him, but with what effect he knew not till afterwards. When the battle was over he searched for the Eagle's body and found it: a ball had pierced his heart, and the blood of the young "Captain" at Loyalsock, was found to have been fatally avenged by the hand of his brother on the bank of the Allegheny.

KISKEMINETAS.

The Sketches of the Adventures of Captain SAMUEL BRADY cannot be otherwise than interesting to every reader in Pennsylvania—and especially to those acquainted with many persons and circumstances referred to. The father of Captain S. Brady, referred to in the sketches, was shot by the Indians about four rods from a cabin on the hill on the south side of Wolf Run, where the State road crosses, in Lycoming county. John Brady, referred to, was formerly Sheriff of this county, and resided in this borough until his death. His widow died about two years since; and his numerous family and descendants are, many of them, still in the vicinity, and highly respectable in society.

Such sketches serve a noble purpose—they keep alive in the living a grateful recollection of the heroic dead, and the perils and privations they endured in "times that tried men's souls."—*Milton States Advocate*.

#### ANOTHER REVOLUTIONARY HERO GONE.

DIED—On Monday, 23d of April, Mr. John Peters, aged 100 years 5 months and 23 days. This aged gentleman enjoyed until the last four months of his life all his faculties, and until the end of the last year, was out attending to his business every day. He was honest, industrious and temperate in his habits, and rendered his services in times that tried men's souls. He was born in Portugal, near Lisbon, and emigrated to this country shortly after the earthquake in 1755. At the commencement of the revolution he was found among the patriots of the day, and assisted in throwing the tea into the river at Boston. He afterwards entered into the army of the United States. He was at the battle of Lexington and Bunker's Hill, in which he was wounded and lost one of his fingers. He was engaged in the battles of Monmouth and Princeton, and assisted in capturing the Hessians at Trenton. He was engaged in the capture of Burgoyne and also of Cornwallis; he fought under Washington and Lafayette, at Valley Forge, where he was again wounded, and after serving during the whole war, after the peace of 1783, he was honorably discharged. He has ever since lived in Philadelphia, and has reared a numerous family. He was kind and affectionate, beloved as a parent, and respected by all his neighbors and acquaintances. He breathed his last under the full conviction that at the great day of judgment he will stand before his Almighty Creator in the expectation of those heavenly rewards which are accorded to those who lead a good life and die in the fear of the Lord.

P.

RAPID WORK.—Messrs. Phillips and Graham purchased a tract of land from General Lacock, on the Ohio river, on Monday of last week, laid out a town on Tuesday, and built fourteen houses in four succeeding days. At this place they intend establishing their ship yard.—*Beaver Argus*.

ANOTHER OF THE RESOURCES OF LUZERNE COUNTY.—We understand a bed of copper ore has been discovered in Windham township, in this county. We were recently shown a piece of copper which had been manufactured out of some of the ore, and have no doubt of the correctness of our information. We learn that a



gentleman of Philadelphia, has purchased an interest in the ore, and designs to commence the manufacture of copper immediately.—*Susquehanna Democrat*.

### AN EXCURSION OF PLEASURE.

WILKESBARRE, April 25.

We sat out on Friday morning last, in company with a friend, on an excursion to Carbondale and Honesdale, the seat of the enterprising operations of the Delaware and Hudson Canal Company. The weather had been for some days unpleasant, the atmosphere at this time dense and humid, and the roads rendered extremely muddy by the quantity of rain which had fallen, yet we journeyed leisurely along through the Lackawanna valley, and arrived at Carbondale, a distance of about 33 miles, at sun set. This little village, so propitiously situated, has seemingly arose into existence by the power of magic. Where but two or three years since an almost unbroken wilderness was presented to view, industry and enterprise now smile around; taste and improvement meet the eye; and the busy hum of business salutes the ear. At this place are situated the valuable and exhaustless coal beds belonging to this Company, where they carry on extensive mining operations; and here also terminates the rail-road, on which this mineral is conveyed to the head of the canal at Honesdale, and from thence transported in immense quantities to the city of New York. Located as it is, and enjoying such numerous advantages, this place is ere long destined to vie with the most flourishing inland towns in the State. Already many elegant buildings are completed, among which are the large hotels of Messrs. Townsend and Lathrop, the convenience of whose establishments is only equalled by the courtesy and attention paid to strangers and travellers. Before we take our leave of this place, we would mention one circumstance, which goes far to establish the character of the inhabitants. We were credibly informed that not one drunkard was to be found among the citizens!

From Carbondale we pursued our course to Honesdale, a distance of 16 miles, over an uneven tract of country, which is compensated, however, by an excellent turnpike, and the pleasure derived from witnessing the numerous cars perform their appropriate functions upon the rail-road. The greatest order and regularity are preserved in their passage to and fro, and so judicious is the machinery that a derangement seldom takes place! We ought to have mentioned that the weather in the mean time, had become settled and serene, and the prospect was rendered exceedingly delightful, by an occasional glimpse at the long trains of ascending and descending cars, whose burnished wheels dazzled in the sun-beams and reflected a silvery light to the eye of the beholder.

We arrived at Honesdale early in the afternoon, and were agreeably surprised at the enterprise and improvement which surrounds it. This place, like Carbondale, has arose into existence within a short time, apparently from desolation, and to contrast its present condition with its late gloomy and uninviting appearance one could hardly credit the evidence of his senses. The village is situated on a level tract of ground, and is a beautiful location, for a large and populous town. Here, as we before observed, is the junction of the canal and rail-road, and is the grand depot of merchandize and produce for a large extent of country. Several extensive commission stores are already in operation, besides other mercantile establishments. There are also three houses of entertainment; the oldest and most commodious of which, owned by Mr. Forbes, affords every attention and refreshment that a weary traveller can desire. Upwards of two hundred cars arrive here daily from Carbondale, loaded with coal and lumber, and since put in motion, which was about the first of this month, about two thousand tons of the former have

been weekly lodged at the basin of the canal, ready for freighting boats, as soon as damages, occasioned by freshets, can be repaired. It was expected that boats would commence running about the first of May, when the number of cars upon the rail-road will be increased, and it is confidently expected that upwards of four hundred tons of coal per day will be transported to Honesdale, and unloaded directly into boats, which will prevent the extra time and expense of re-handling it.

From Honesdale we went as far as Bethany, the seat of justice of Wayne county, a beautiful little village, situated upon an eminence, and is distinguished for the elegance and taste of many of its buildings. From this place we returned home, well pleased with our journey, and reflecting upon the wonderful effects of internal improvement, in almost radically transforming a section of country, formerly so uninviting, inciting every where the spirit of industry, winging into life the soul of enterprise, and holding out the prospect of affluence, where discouragement and penury had cast their blighting spell.

We here close this imperfect sketch, which the hurry of the moment prevents from being more complete.—*Susquehanna Democrat*.

**SHORT PASSAGES.**—The brig Paragon, Capt. Remington, arrived on Saturday from Havana, in 7 days passage. She was absent from this city 29 days; had 5 days passage out; lay 17 days in Havana, and had 7 days home. The ship Edward Bonaffe, Campbell, also arrived on Saturday, from New Orleans, in 12 days—had 11 days out, and lay 21 days in New Orleans—making 44 days in performing the voyage. Brig Commerce, Capt. Yardsley went out to St. Thomas in 8½ days; and the ship Equator, Glover, performed her passage to Charleston in 48½ hours—But this is not all, Mr. Sanderson, of the Coffee House, through the politeness of Capt. Bunker of the Steamboat Franklin, had Boston papers of Friday morning upon file at half past 4 o'clock, P. M. on Saturday. This extraordinary despatch was accomplished by the arrival of the Franklin at New York, previous to the departure of the Union Line for this city, by which conveyance they came to hand. It is now possible for a traveller to leave Boston on Friday morning, and take tea with his friends in Philadelphia on Saturday afternoon. By the recent regulation of the mail, we are now supplied every evening with Alexandria, Washington, Baltimore, and New York papers of the same morning.—*Phil. Gaz.*

### Dividends for the last Six Months.

Bank of Penn Township,	5 per cent.
Southwark Bank,	5 "
*Kensington Bank,	5 "
Northern Liberties,	5 "
Schuylkill Bank,	4 "
Mechanics Bank,	4½ "
Commercial Bank,	3½ "
Farmers and Mechanics,	4 "
Bank of Montgomery Co.	4 "
Bank of Germantown,	3½ "
Bucks County Bank,	4 "
Bank of Philadelphia,	3 "
Chesnuthill and Springhouse Turnpike,	3 "
Germantown and Perkiomen do.	2½ "
* Also, an additional dividend of	5 "

### CANAL TOLLS.

The amount of tolls received at the Collector's office at Lewistown, up to the last of April, this year, amount to \$1,406 67. The amount received at the same office last year up to the end of the corresponding month—amounted to \$348 94. And whilst we have the pleasure to state that the receipt of tolls is rapidly increasing; we have it also in our power to say, that the sums necessary for repairs, are greatly diminishing.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. IX.—NO. 20.

PHILADELPHIA, MAY 19, 1832.

NO. 229.

## EXAMINATION OF THE PRESIDENT OF THE BANK OF THE UNITED STATES,

*On the increase of the paper circulation of the Bank—its agency in diminishing or enlarging the circulation of local banks, and the means of permanently regulating our general circulation, so as to prevent its injurious effects upon the trade and currency of the country.*

1. I notice that from 1823 to the first of January 1832 the Bank had increased its bank note circulation from about four and a half, to twenty-four and a half millions of dollars; that thirteen or fourteen millions of this increase, occurred between the first of January, 1828, and the 1st of January, 1832, and that you have the right by your charter to extend your circulation to thirty-five millions—is it not your opinion that while such a circulation continues, and the State Banks exercise a similar power, our paper currency must fluctuate in value; that sudden demands must be occasionally made on our banks for specie; and that our traders must become speculators, and bankrupts, by abrupt changes in the value of property?

1st. As to the facts—The increase of twenty millions of notes.

The circulation of the Bank on the first of January, 1823, was

4,361,058

On the 1st of January, 1832,

21,250,546

An increase in nine years of  
and not twenty millions.

\$16,889,488

2d. The increase from January 1st, 1828, to January 1st, 1832, is stated at 13 or 14 millions. The fact is that this increase was only 11,394,848, and not 13 or 14 millions. Our paper currency has not, that I am aware, fluctuated in value.

3d. That occasional demands should be made for specie is incident to all banks and all trade—but as the demands have been always paid, there does not seem to be any special cause of complaint.

Finally until the nature of man is changed, men will become speculators and bankrupts—under any system—and I do not perceive that our own is specially calculated to create them.

2. Does not an increase of gold and silver throughout the world, tend in some measure to augment prices in every country?

Yes—but in a very slow, and very gradual, and almost imperceptible manner.

3. Does not an increase of bank note circulation, or of any other paper substitute for a metallic currency tend to raise prices in the country where it is issued, above the level of the prices of the world?

Sometimes—but not necessarily, and perhaps not generally. Its natural tendency to do so, is often counteracted by this circumstance, that the facilities of bank credits enable men to have quicker returns, to enlarge their operations, and therefore to work cheaper. Moreover, there is an essential difference between paper which is a substitute for a metallic currency, and paper which is the companion of it, and convertible into it.

4. Suppose the entire wealth of this country to be three thousand millions, and that by increasing our paper currency, we should nominally augment the value

of property, ten per cent. or three hundred millions of dollars, would not the speculations resulting from such a change, inevitably and very considerably increase commercial operations, notes of hand, bills of exchange, and bank notes and checks of every kind and description?

Probably.

5. When we increase our general circulation by an increased issue of United States Bank notes, are not our local circulations simultaneously augmented?

No. The circulation of the Bank of the United States supersedes in many cases the local circulation, as it was designed to do, and no inference can be drawn from the increase of the former to the increase of the latter.

6. If they are not thus increased, and if, as some suppose, our general circulation diminishes the aggregate amount of our local circulation, how do you account for the following facts, which appear from the returns made to the state governments, viz:—that the banks in Massachusetts, between 1823 and 1831, had increased their capital from 11,650,000 to 41,439,800, and their circulation from 3,145,010 to 7,739,317—that the capital of the State Banks in New York, Massachusetts, Rhode Island, and Pennsylvania, has increased since 1817 more than thirty millions of dollars—that the increase of the circulation of the banks in these states, not including the Philadelphia banks, was, in the last year, about eight millions—that the country banks in the state of New York had, between the 1st January, 1830, and the 1st January, 1832, increased their circulation from 8,974,345, to 3,622,277.

I have not time to look into these details, and supposing them accurate, my inference would be this, that the control exercised by the Bank of the United States over the State banks, while it is sufficient to keep them within a strict responsibility for their issues, does not encroach on their freedom of action, or interfere with their profits.

7. If, as is supposed, the tendency of the United States Bank is to diminish State bank paper, how does it happen that in almost all the States, the local circulations have been doubled, and in some tripled, in amount, since the Bank was chartered?

I have not had time to examine the statement, but should think it very erroneous. With regard to several of the states it certainly is not true. It is not true in regard to Kentucky—it is not true with regard to Tennessee—it is not true in regard to Missouri—nor to North Carolina—nor to Virginia. It is not true either of the aggregate circulation. The state bank circulation, on the 1st of January, 1816, was sixty-eight millions. That of the 1st of January, 1830, forty-eight millions. Wherever it is true, it may be ascribed to local causes, and to the addition, since the period of the charter, of four millions to the population of the United States. The general inference would be, how little the Bank tends to encroach on the legitimate business of the state banks, being the enemy of none, but the common friend of all of them.

8. If the Bank of the United States, with its capital of thirty-five millions, and its general circulation of twenty-two millions, gives an impulse to a National capital of three thousand millions, does it not inevitably



give an impulse to banking, as well as all other operations, and must not these capitals and circulations, increase with all others?

It is not easy to perceive how the Bank of the United States increases the capitals of other banks.

9. When a National bank, like that of the United States, expands its loans, circulation, and investments throughout the Union, and a spirit of speculation is excited every where, are not sales and purchases so multiplied, that one capital is frequently represented by ten notes of hand at the same time, and does not this speculative increase of credits produce an increase of banks?

There is no doubt that speculation tends to increase sales and purchases, and of course to multiply the evidences of such transactions.

10. Does not a National Bank with a general circulation, excite overtrading among local banks, as well as among merchants?

Not necessarily. It depends altogether on the operations of the Bank—its natural tendency would be to control them, and thus far prevent, rather than excite excessive issues.

11. In what manner can a National Bank diminish the circulation of country banks, with which they have no transactions, except by reducing its own circulation?

Very easily and very naturally. The very increase of the circulation of a National Bank may be the most efficient cause of the reduction of a State bank, and in this way, a branch bank is near a local bank—the branch notes are more valuable than the local notes—the local notes are exchanged for branch notes at the branch bank, which thus becomes the creditor of the local bank, and makes it pay its debts and thus reduce its circulation. Now almost all State banks stand in this relation to the Bank and its branches.

12. Are not bank checks, notes of hand, and bills of exchange, capable of being multiplied to an indefinite extent, and are they not of themselves a substitute for specie and bank note circulation?

I should not think that checks or notes of hand and bills of exchange, are capable more than any thing else, of indefinite multiplication, and are not well suited to become substitutes of coin and bank notes—because they would represent only individual responsibilities, not those recognized corporations established by law, or of the coinage fixed and certified by the government.

13. If no banks were authorized by the general or the state governments, would not trade soon confine itself to such a regulation, by multiplied expedients to dispense with the use of them, as in some of the most commercial countries of Europe, where bankruptcies are rare?

If the Government should suppress banks, undoubtedly the people must do without them. In regard to “some of the most commercial countries of Europe” where certain expedients are said to dispense with the use of banks—I do not know any one commercial country of Europe, where banks have not existed.

14. If banks were restricted to dealing in and lending capital only, or the representative of an existing capital, and were not permitted to manufacture and lend the representative of nothing but legislative power, how could banks ever injure the trade or currency?

I fear I do not comprehend all this. Our banks have, or think they have, a substantial capital, and I doubt whether it is true that they are merely engaged in “manufacturing the representatives of nothing but legislative power.”

15. If banks were restricted to their legitimate and primary object of borrowing and lending the capitals actually existing in the community; might they not go on annually regulating their facilities and their profits, in a rate corresponding with the annual savings of labor and accumulations of capital, and without detriment to trade or currency?

I should think that the legitimate and primary object of banks is to lend, not to borrow.

16. If the Bank of the United States and its branches

were compelled to allow an interest on all deposits, public and private, would it not draw into actual use millions of capital now dormant, and compel every state bank in the Union to adopt the same plan of Banking?

I think it would do neither.

17. Would not such a measure effectually check any over issues, by compelling the Banks to loan the large amount of capital, upon which they were obliged to pay interest before they could be tempted to manufacture a Bank Note Capital for the uses of trade?

The question seems to answer itself, for so far from checking over issues, it would be the best contrivance to render them almost inevitable. The case stands thus:—At present it is feared that Banks lend too much on what is here termed Bank Note Capital—so to remedy that, the plan is to force the Banks to allow interest on the deposits—because then they will be “compelled to loan the large amount of capital upon which they were obliged to pay interest, *before* they would be tempted to manufacture a Bank Note Capital.” That is to say, before they come to the profitable part of their business, they must lend a *large amount*, in order to cover the interest they have to pay. Such a plan I should think a constant stimulus to lend too much—when a Bank pays no interest on deposits, the temptation to excessive issues, can scarcely be as strong as when it is goaded into lending, in order not to lose by the interest it must pay on deposits.

18. Would it be practicable for Banks to sustain any extraordinary amount in circulation, when their notes would return upon them as fast as they were issued, because the holders would lose the interest upon them while they retained them?

It would depend entirely on circumstances, whether the holder of the notes, could make more by the use of them, than by returning them.

19. Is that not a fallacious plan of Banking, the object of which seems to be to save interest by substituting Bank notes for a metallic currency, while a portion of the community annually lose the interest on five times that amount, composed of Bank deposits and dormant Capitals?

20. If we were to change our banking system, and call into active use all the savings of labor, the profits of trade, and the annual accumulations of income, by compelling all our banks to allow an interest of four per cent. on all deposits, is it not probable that a capital would be drawn from these resources, for the uses of trade five times greater than any amount of paper money which all the banks in the Union could possibly sustain in circulation?

I see no fallacy in the present plan, and no advantage in the proposed change of it. Undoubtedly the substitution of paper for coin, saves interest on the coin which it replaces, quite equal, I should think, to the capital which would be rendered active by the suppression of the paper. In addition to their present circulation, the banks might “possibly sustain” an amount which would make the whole one hundred and fifty millions. Five times one hundred and fifty millions, make seven hundred and fifty millions: and it is said that the offer of four per cent. interest, would rouse into commercial activity, these seven hundred and fifty millions. I somewhat doubt this. Interest in the United States varies from five to six, seven and eight, and even ten per cent. If this dormant capital has resisted these rates, I fear it would not be awakened by four per cent. I doubt the more, because in many cities of the United States, there already exist Banks or Saving Funds, or some institution of charity or trade, which have for years, pursued this very plan of giving interest on deposits—and yet the 750 millions have not shown themselves.

But there is an objection to the change of system which seems to me final and fatal. At present a bank discounts it or owns capital; if deposits are added they are welcome; but they are not paid for; and the Bank



does business in proportion to its capital, which being unchanged, the business partakes of this uniformity. But if, as is now proposed, the Bank should have no Capital of its own, but do business on Capital which it has borrowed from others, and on which it pays interest, two things seem inevitable—first, that the Bank must do a much greater amount of business in order to pay for the use of its borrowed Capital. And secondly, that the business of such a Bank must be in a far greater state of uncertainty and fluctuation than that of other Banks—because whenever there is a demand for money, whenever a greater interest can be made out of doors than by leaving the money in the Bank, these deposits will of course be withdrawn, and the Bank, just at the moment when it might be useful in sustaining trade, would find its whole borrowed Capital melting away from under it.

21. Were we to adopt that system, would not trade safely regulate itself, and keep pace with annual accumulations of Capital; and would not Capital increase more rapidly than it now does under a Banking System, which substitutes a paper representative of power, and excludes from the active uses of trade, a much larger amount of the real wealth of the country?

Trade contrives now to regulate itself well without the proposed improvement, which I should not think calculated to hasten the increase of Capital.

22. Were all the Banks of the Union compelled at once to become borrowers of, and to cease manufacturing Capital, could not the change be effected without any derangement of trade or currency?

Mr. Gallatin estimated that in January 1830, there were three hundred and thirty Banks having a Capital of 145,192,268 dollars. If these banks were "at once," instead of lenders to become borrowers, such a transition would be a highly interesting movement, but I incline to think that "trade and currency" would be a little deranged before the process subsided.

23. When Bankers lend their money, or the money of others upon which they pay interest, have you ever noticed that extraordinary but imaginary deficiency of Capital, which we hear of periodically in every country where Banks are permitted to lend without restriction or any self-regulating principle, a currency manufactured by themselves?

I have never noticed any periodical deficiency of capital which was at once "extraordinary but imaginary," and as far as I am acquainted with the Banks of this country, they are not permitted to lend without restriction or any self-regulating principle. What I have noticed is this—that the Bankers of England "lend their own money or the money of others, on which they pay interest," and that for ten years past, the failures among these English Bankers have been more numerous in the proportion of six or seven, and probably ten to one, than the failures of American Banks.

24. May not a bank note currency be safely tolerated, where the mass of your Capital for the active uses of trade is drawn from other and legitimate sources, and where your paper circulations must necessarily bear but a small proportion to the amount of your deposits, as in Scotland?

25. In Scotland, the Bank deposits in 1826, amounted to about twenty-four millions sterling, say in our money, one hundred and thirty-millions of dollars, more than half of which amount was composed of deposits in sums under one thousand dollars, and drawn from the laboring classes, its circulation, which had been gradually enlarging for more than one hundred and thirty years, was about three and one-third millions sterling—equal, in our money, to about sixteen millions of dollars. Suppose the Bank deposits of Scotland now to be one hundred and fifty millions, and its circulation eighteen millions—can the trade of Scotland ever suffer from reactions while it is sustained by so large an aggregate of real and active Banking Capital, or its currency ever be agitated while the amount of notes in circulation scarcely exceeds one-tenth of the amount of Bank deposits?

26. If the trade of Scotland depended, as ours does, not upon the accumulations of a Capital which never diminishes, but on a capital manufactured by five hundred Banks, and which diminishes with every reaction, and may almost vanish with a panic, would not Scotland suffer as we do, and as they have frequently done in England, from every convulsion in the money market?

27. Suppose our trade was sustained by deposits equal, (in a ratio to those of Scotland,) to seven hundred and fifty millions, and facilitated by a proper currency of ninety millions; is it your opinion that our country could ever suffer, in peace or in war, from a scarcity of money, or want of confidence?

28. If we were to oblige our Banks to pay an interest of four per cent. on all deposits, would not our laborers, mechanics, traders, farmers, nay, all our productive classes, become lenders of capital, to give activity to trade, and enlarge the employment of laborers, and would not the ability of the Bank of the United States to facilitate trade, be tripled in a very few years?

29. Is not the Scotch plan of Banking more profitable to the Banks and the community, than any adopted in any other country?

30. If this plan should not be adopted by Congress and our State Legislatures, would not redundant circulations be effectually checked by limiting dividends to six per cent. and compelling the Banks to divide their profits?

The inquiries from twenty-four to thirty inclusive, relate to Scotch Banking. Scotch Banking is doubtless an excellent system for Scotch people, but these peculiarities are difficult to transplant among a people of totally different manners, habits, and modes of existence; and as their English, Irish, French and Dutch neighbors, who are the more immediate witnesses of its merits, have never adopted the system, I should hesitate to recommend it for this country. It suits Scotland because it has grown up with the trade of Scotland. For the same reason our system does probably better for us than any scheme which could be imported. Our whole trade and business has been connected with the system, and the general prosperity which has accompanied it, proves that if it has not caused, it has not marred, the advances of the country. I doubt whether it would be judicious, as is here suggested, to destroy all Banks, or to take away their Capitals, or to make them pay interest on their deposits, or, in short, to do any thing with them. The whole machinery works well. It moves harmoniously with all our systems of government. The Government of the States, with the addition of the National Government, form our political system. The State Banks, with the addition of the National Bank, is the analogous arrangement of the Banking System.

The idea at the present day of doing the business of this country without Banks, would be equal to the project of renouncing canals, and rail-roads, and steamboats, and all the other improvements belonging to trade.

That Banks do occasional mischief there can be no doubt; but until some valuable improvement is found which supplies unmixed good, this is no objection to them. And constituted as they now are, the Banks of the United States may be considered safe instruments of commerce.

During the last ten years, for every American Bank which has failed, there have probably been at least six or eight English Banks which failed. In 1825—6, no less than seventy-six to one hundred English Banks failed at once.

On the whole it seems wiser to retain the established institutions of the country, instead of resorting to doubtful and hazardous experiments. What is wanted, I think, in our Banking system is this: First, to widen the basis of metallic circulation, by abolishing the use of small notes, so as to allow coin to take the place of them, as it inevitably would. And second, to annex to the non-payment of specie by the Banks, so heavy a penal-



ty, say an interest of twelve per cent. as in the Bank of the United States, or twenty-four per cent. as in some of the New England Banks, or a forfeiture of the charter as in some of the Jersey Banks, as would deprive the Banks of all temptation to incur the risk of insolvency.

These simple measures would, in my judgment, be far preferable to any other plans suggested in these inquiries—better than the plan of destroying all the Banks in the country—better than the plan of making them pay four per cent. interest—better than the plan of limiting the dividends to six per cent. and better than the plan of compelling them to divide their profits, instead of husbanding some portion of them to provide against contingencies.

#### QUESTIONS "ON THE INFLUENCE OF THE BANK OF THE UNITED STATES UPON TRADE."

1. Since 1816 have we not experienced re-actions in 1818—19, 1825—26, 1829—30,—and has not the demand for money been increasing since October last?

It is difficult to understand precisely what is meant by re-actions. In the active commercial business of this country, there are constant vibrations, but the only real danger which I have ever seen since 1819, was in the fall of 1825. The troubles of 1818—19, had little connexion with trade. They grew out of the transition from a depreciated to a sound currency, which necessarily occasioned a great reduction of the circulating medium. The estimate of Mr. Crawford was, that the Bank notes in 1813, amounted to 62 millions—in 1815, during the suspension of specie payments to 110 millions—Mr. Gallatin estimates their amount in 1816, at 70 millions, and in 1820, at 45 millions. These fluctuations were in themselves sufficient causes of the embarrassments of 1819. The demand for money in October last, has not been increasing to this time, (April 1832,) but is nearly past.

2. Are not such re-actions in trade usually attended with stagnation of industry, bankruptcies among traders and manufacturers, and distress among labourers thrown out of employ?

3. In every such re-action, does not a large amount of property pass from the active and enterprising to the wealthier classes?

This again depends on what is meant by re-action. I have never seen any such disasters arising out of the temporary vibrations of the active business of this country.

4. Are not countries where a large paper circulation is substituted for a metallic currency, most liable to these distressing fluctuations?

5. Does not this arise in a great degree from the tendency of prices where such a currency exists, to rise higher and fall lower, than in countries where the price of labor and the value of property are more uniform through an unchanging and sound currency?

This is generally true, but by no means universally. A metallic currency may be exposed to as violent fluctuations as a paper currency, the expansive power of credit often supplying the diminution of coin. Moreover, the paper currency of Scotland is perhaps less fluctuating than the metallic currency of France.

6. Independent of the various incidental causes which may agitate trade at any time, and in all countries, are not some of the fluctuations in value of property of all kinds, exclusively attributable to changes in the revenue laws—and do not the most violent arise from sudden alterations in the currency, or from too abrupt an expansion or contraction of bank loans and circulation?

I should think that changes in the revenue laws, sudden alterations of the currency, and "too abrupt an expansion or contraction of the bank loans and circulation" would occasion fluctuations in the value of property.

7. If a bank or a government adds ten millions suddenly to an existing paper currency, and as suddenly

loans it to trade, will it not injuriously affect both your trade and your currency?

Not necessarily nor naturally. It depends wholly on the existing state of the trade and the currency.

8. Is there any substantial difference between issuing ten millions of a new paper currency, not representing capital, and arbitrarily adding that amount to the value of your metallic currency, by increasing its value by law, except in degree as to the suffering of the community?

A very substantial difference. To depreciate the coin is a fraud on the part of the government; an increase of paper convertible into coin, may be very advantageous, if the trade and business of the country require it; and if they do not require it, the evil will soon correct itself, because it will be converted into coin.

9. Was not the distress of 1818—19 caused, or its severity much increased by the proceedings of the Bank of the United States, between January 1817, and October 1818, in too rapidly loaning more than forty millions of dollars, and increasing our general circulation upwards of ten millions in bank notes?

I do not think the distress was either caused or increased by the loans and circulation of the Bank. When a bank with a capital of thirty-five millions, established for the purpose of supplying a circulation, has issued at the end of twenty-one months, only \$8,713,951, not ten millions as the question suggests; the surprise is not that it was so great, but that it was so small.

10. Was not the distress much increased by a sudden contraction of its loans, between July 1818, and May 1819?

The contraction was not sudden but gradual, the whole reduction between the two periods, a space of ten months, in the whole establishment, was only \$8,954,794.

11. Was not the distress of 1825—26, much increased by the change in our revenue laws in 24, by the increased loans of the Bank of the United States, by an addition to its circulation, between 1st January 1824, and the 1st of July 1825, of five millions of dollars, and by too rapidly increasing its investments in funded debt, from June 1824, to June 1825, from ten to twenty millions of dollars?

It is doubtless very difficult to connect events with their remote causes. But it is not extremely easy to ascribe the existence of the greater commercial and financial calamity both in England and the United States, to the circumstance of the Bank's having increased its business eighteen months before that period. There is the less reason to ascribe these great events to this cause, inasmuch as the loans of the Bank for nineteen months previous to that pressure, so far from being increased, were actually diminished, as will appear from the following statement:—

	<i>Loan.</i>	<i>Bills of Exchange.</i>	<i>Total.</i>
1st Jan. 1824,	31,108,253 96	2,323,830 19	33,432,084 15
31st July, 1825,	29,489,174 34	3,622,882 69	33,112,057 03
	\$ 1,619,079 62	\$ 1,299,052 50	\$ 320,027 12

Here is an actual diminution of loans in the Atlantic cities of \$1,619,079 62, and an actual increase in the remittances of bills from the south and west to sustain them, of \$1,300,000; and finally an aggregate reduction of the loans of the whole establishment of \$300,000. As all this reduction took place three months before the pressure, it seems scarcely reasonable to ascribe the pressure to an alleged increase.

12. Suppose the speculations and re-actions of 1825—26, to have originated in England, should we not have been less affected by it—had not the circulation and funded debt of the Bank both been suddenly doubled?

It is difficult to discover the least connection between the two events. This re-action, as it is called, took place here in October 1825. In May 1824, eighteen months before, the Bank took the five million loan, and in January and March 1825, another loan of five millions;



but its general business was actually diminished, and its circulation, so far from being suddenly doubled, underwent the most gradual and gentle increase imaginable. The whole increase of the circulation of the Bank, from the 1st of July 1824, to the 1st of July 1825, was only \$3,277,885 50.

13. Was not the distress among our manufacturers in 1828—29, partly attributable to our tariff of 1828, and to the Bank's increasing its circulation four millions, and its total investments five millions from June 1828, to June 1830?

I do not know what might have been the effect of the tariff, but certainly no part of the distress can be ascribed to the Bank, for its total investments, that is, its total loans, were actually reduced.

They stood in June 1828, at	\$55,866,872 01
And in June 1830, at	54,407,800 66

A reduction of	\$1,459,071 35
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The only increase of investment was in the specie.

The Bank had in June 1828,	\$6,577,681 74
And in June 1830,	9,746,884 56

Increase,	\$3,169,202 82
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So that this increase of investments, which misled to their ruin, the manufacturers, was in fact, an increase of \$3,169,202 82 in the specie, and a diminution of its loans to the amount of \$1,459,071 35.

14. To what other cause than the operations of the Bank of the United States can you attribute the demand for money which began in October last, and has continued to the present time?

15. Was it not the natural consequence of the Bank's rapidly increasing its bank note circulation from January 1st 1829, to January 1st 1831, ten millions, and its total discounts in thirteen months, to 1st January last, from forty-one to sixty-six millions of dollars?

I see no connexion whatever, between the operations of the Bank, and the demand for money, except that the Bank has supplied the demand. The state of things in Europe sufficiently accounts for an increased importation of merchandize, and a demand for money to circulate them; and the simple fact that the increase of the business of the Bank has arisen since the importation, seems decisive as to the fact that the increase has not occasioned them, but has averted any mischief from them. Then, too, this is much exaggerated. Thus it is here stated, that the increase of circulation from January 1829, to January 1831, was ten millions. Now the fact is, that the actual increase was only \$3,981,286.

Then again the increase of loans for thirteen months, to 1st January last, is stated at twenty-five millions.

Now the fact is that the Government stock of the Bank was reduced from January 1st 1829, to January 1st 1832,

That the Bank, which in May 1830, had in Europe	\$3,700,000
Drew for that and overran its balances there	2,245,000
	<hr/> 5,945,000

So that it had an actual increase of means of	\$22,041,899
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Yet with these additional means, its loans (exclusive of bills of exchange) were increased from

December 1829,	\$32,498,501 08
January 1832,	49,602,577 86

	<hr/> \$17,104,076 78
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The domestic bills purchased during the same time, being mainly the transfers of funds to sustain the Atlantic cities, and to carry the southern crop to market.

Now, if there was a demand for money, and the Bank had the means of supplying it, why should it not? The

object of its creation was precisely that; and as no inconvenience has happened, or will probably happen in consequence of it, and as great distress would have been occasioned if it had not taken place, it seems a singular objection to a bank, that finding a demand for money, and having the means of supplying it, it did supply it.

16. Was it not probable that an increase of loans and bank notes corresponding with that made in 1817—18, might in 1832, be followed by consequences similar to those realized in 1819?

There is no analogy between the two cases, and no resemblance in the situation either of the Bank or of the country, at these respective periods. The Bank in 1817, was urged by the government into immediate operation, and its loans and circulation, whatever their amount, had less reference to the wants of business than the wants of the government. The increase of 1831, was an increase growing out of the actual business of the country, which will necessarily subside when the business is done.

17. Was not a rapid addition of twenty-five millions to the discounts of the bank, and a sudden transfer of loans from government to trade, calculated inevitably to produce over-trading.

As there was no such rapid addition, and no such sudden transfer, they could not have produced over-trading.

18. Did not the sudden addition of ten millions to our bank note circulation, affect our circulation unfavorably, and force our specie abroad?

There has been no such increase of ten millions. The whole increase of 1831, was not near five millions.

19. Did not the Bank of the United States lose, between the first of July, and first of January last, five millions of its specie?

The amount of specie was reduced about that amount in the ordinary course of its business.

20. Had the directors of the Bank of the United States, become alarmed as in July 1818, and resolved to curtail their loans extensively; or had any political or commercial event occurred to produce a sudden contraction of the expanded circulation and loans of the Bank, should we not have seen the same demand for specie, and the same commercial distress, which the Bank brought upon itself and the country in 1819?

As the Directors did not become alarmed, what would have happened in case they had become alarmed, must be entirely conjectural; but the circumstances of the Bank and of the country, were so entirely different at these respective periods, that there appears to be no analogy between them.

21. Did the President and Directors of the Bank of the United States, on the 7th of October last, direct a circular to the Cashiers of all the offices, instructing them to curtail their business, and to favor the offices in New York and Philadelphia as much as possible, and will you insert a copy of that circular in your answer?

The Circular was as follows:

#### CIRCULAR.

BANK UNITED STATES, }  
October 7, 1831. }

SIR—

The unusually heavy reimbursement of six millions of funded debt, which was on the 1st inst. advertised by government to take place on the 1st and 2d days of January next, but which, according to a subsequent notice from the Treasury Department, under yesterday's date, may, it appears, be demanded of the Bank by the public creditors at any period of the present quarter, is calculated to press very inconveniently upon the parent Bank, and upon the office at New York; the more so from our uncertainty as to the time when the necessary provision must be made, from the prevailing active demand for money. Be pleased, therefore, so to shape your business immediately, as that, without denying



reasonable accommodation to your own customers, or sacrificing the interest of your office, you may throw, as early as possible, a large amount of available means into our hands, in Philadelphia and New York, and at the same time, abstain, as far as practicable, from drawing upon either of these points. Checks and short drafts on the local banks and on individuals, will prove particularly acceptable for several months to come, and whenever direct claims of that kind, on either of those two places, are not to be procured, you might materially aid us by taking drafts upon the large cities nearest to them.

Signed, WM. M'ILVAINE, *Cashier*.

22. Were not similar instructions given in October, November, December, January, and February, and did not the demand for money, which the circular states to have been "active" on the 7th of October last, continue to increase?

The Secretary of the Treasury, on the 1st of October, 1831, announced that on the 1st of January, about six millions of the public debt was to be reimbursed. On the 5th of October, 1831, the Secretary gave notice that all these six millions should be immediately reimbursed on demand. This was done when the government had not three millions and a half in the Bank to pay these stocks. For instance, it directed that three millions should be paid in Philadelphia, when the government had only \$33,000 in the Bank at Philadelphia. Such a measure required great caution on the part of the Bank, and accordingly the Branches were instructed to avoid as much as possible pressing on New York and Philadelphia with their drafts, but to pay a portion of their debts to the northern Atlantic offices, where these reimbursements on account of the government were to be made.

The demand for money which was "active" in October, has very much subsided, mainly in consequence of the measures then adopted.

23. Was not the pressure on Louisville and Cincinnati, so severe that on the 3d of March, orders were given not to insist on the proposed reduction, but to proceed to accomplish the object they had in view in as gentle a manner as possible, under circumstances so distressing?

The pressure on Louisville and Cincinnati, was owing, not to any reductions of loans, for none had taken place at Cincinnati, and but a trifling amount at Louisville, but wholly to the rise of the river Ohio, over which the Bank has no control. In answer to the instructions to these Branches, to pay moderately and gently a portion of their debts, the Cashier of the Branch at Cincinnati, wrote: "We could have accomplished, I think, all that was expected, but our city is thrown into a state of unparalleled distress by this awful visitation. Nothing like it has ever been experienced here in the memory of man. About two thousand houses were inundated in that space, and in the centre of the town; the ware-houses of a large number of our heavy customers were of the number. The private distress, and the shock to the business of the place, cannot be described."

And the Cashier at Louisville wrote:—

"All the lower part of our city is inundated, and every approach, except by water, impeded. The river is now higher than ever known, and still rising rapidly, and it is fearful to contemplate the disastrous consequences to the whole country binding on the Ohio and Mississippi; business here is prostrated for a time," &c. &c.

These were the "distressing circumstances" under which they were directed to give every relief in their power.

24. Did not the President of the Bank (Mr. Cheves) inform the Secretary of the Treasury, in April 1819, that the Bank could not pay the Louisiana debt of three millions, without negotiating a loan in Europe? Was

not two millions actually borrowed in Europe, and did not the President ask other indulgencies?

The Bank negotiated such a loan, under the impression communicated to the Secretary that it was necessary, but Mr. Cheves, I believe, asked no indulgence of any kind. He stated certain things which he deemed rights that the Bank could fairly claim; but even these the Treasury could not, or did not, grant; so that the Bank was left to its own resources, which effectually relieved it from its temporary embarrassment.

25. Has not the Bank asked Government to postpone the redemption of the three per cents. from July to October, and has it not assumed the payment of one quarter's interest, being substantially equivalent to a loan of six or seven millions for three months, made by Government to the Bank of the United States?

The Bank has not asked the Government to postpone the payment of the three per cents. On the contrary, when the Bank was asked by the Government whether it saw any objection to the payment in July, it answered immediately, that it saw none as far as concerned the Bank—but the Government on account of its own interests exclusively, wished to make the postponement, and the Bank removed the only difficulty to the measure at its own expense.

26. Had your lowest circulation been gradually increased—had not nearly twenty millions been added to your bank note circulation since 1824—and had not your facilities to trade been extended in four years preceeding the 1st of January last, from 33 to 66 millions of dollars—do you think the Bank would have found any difficulty, in transporting sufficient funds abroad to redeem that portion of the three per cents. which is held in Europe, and which might not have been reinvested here?

These questions contain a series of errors:

1st. The circulation has increased since 1824, not twenty millions, but only \$14,182,151—an increase which has been gradual, notwithstanding the addition during that period of nine branches where that additional circulation had taken place.

2d. The loans of the Bank exclusive of bills of exchange for transfers, have increased, not 33 millions, but 19 millions: and

3d. The Bank would have found not the least difficulty in making the transfers alluded to—and never supposed it would have any.

27. When an institution with investments amounting to seventy-five millions, commanding the foreign and domestic exchanges of the country, and monopolizing the government deposits, cannot at the moment we are exporting our annual crop of cotton, amounting to twenty millions, transfer a few millions of its funds abroad without embarrassing its operations and seriously distressing traders—is there not reason to believe that its business has been too much and too rapidly extended?

If, as I presume, this is intended to apply to the Bank—it is without foundation.

The Bank can readily transport any portion of its funds abroad, and has actually during the last seven months made such transfers to the amount of 5,008,154 dollars.

38. Can any bank confining itself to the legitimate business of a banker, which never forces its loans upon trade, or its notes into circulation by extraordinary means, ever be compelled to curtail its loans, or to ask indulgence from its creditors?

Every bank, whatever be the amount of its circulation and loans, must often have occasion to diminish its business, because a prudent banker may, under certain circumstances of trade, make loans and issue notes, which, when these circumstances change, he should reduce.

29. Do you not consider the Resolutions of the Board of Directors in 1830 and '31, to make long loans at reduced rates of interest, on pledges of stock, as a species of forced loan; and the expedient of issuing



branch drafts from the branches as an experiment to force the circulation of your bank notes?

I cannot perceive the least analogy between a forced loan and a voluntary loan. In 1830 and '31, the Government of the United States paid off certain stocks owned by the Bank. A portion of these were reinvested in loans secured by stocks issued by the Government of Pennsylvania. The one was not more forced than the other.

The expedient of issuing branch notes was intended merely to supply the physical impossibility of signing other notes. It did not necessarily increase the amount of issues beyond what they would have been, if the notes, instead of being signed at the branches, had been signed by other officers at the parent Bank.

30. Did not the Bank, by adding to our paper circulation near fourteen millions from the 1st of January, 1828, to the 1st of January, 1832, adopt the most effectual measure to raise our foreign exchange, depreciate our currency, enlarge importations, force the exportation of our specie, and diminish its ability to meet its engagements both at home and abroad?

The actual increase of circulation was not "nearly fourteen" millions, but only \$11,394,868.

It is a little remarkable that if any period in the whole history of this country were selected, during which the state of things was directly the reverse of that described in this question, it would be precisely the four years here mentioned. For,

1st. The foreign exchanges have been uniform and sometimes favourable to this country. Within twelve months past the exchanges between this country and England were actually in favor of this country.

2d. Our currency was never less depreciated; there never having been a moment in which the silver currency of the United States was the slightest fraction of a per centage above the paper currency.

3d. The importations have been adapted to the fair demands of the country: if a heavy fall importation occurred, it was balanced by a lighter spring importation. Thus during the winter of 1831-32, the importations were very great: the importations of 1832-3 will be proportionally small.

4th. The exportations of specie during that period have not been equal to the importations; and

5th. The Bank, so far from wanting ability to meet its engagements abroad, has never had so large an amount of funds in Europe. In the year 1831 it had \$3,700,000 in the hands of its correspondents in Europe.

## UNITED STATES BANK.

### IN THE HOUSE OF REPRESENTATIVES.

FRIDAY, May 11, 1832.

MR. McDUFFIE, from the Select Committee appointed to examine the books and proceedings of the Bank of the United States, submitted the following as the views of the minority of the said committee.

#### REPORT OF THE MINORITY.

The minority of the committee, appointed to examine the books and proceedings of the Bank of the United States, dissenting from the report of the majority, beg leave to present the grounds of their dissent, for the consideration of the House.

The majority of the committee have submitted, without expressing any decided opinion on them, six cases which they alleged to have become subjects of imputation against the Bank, touching the violation of its charter.

The first of these cases relates to usurious loans, and occurred as far back as 1822, during the presidency of Mr. Cheves. The Branch Bank at Lexington, had received a large amount of the notes of the Bank of Ken-

tucky, a portion of them as Government deposits. The notes were considerably depreciated. The branch having declined issuing any of its own notes, in obedience to orders of the mother Bank, an individual applied for a loan of these depreciated bank notes, alleging that he wanted them to pay a debt, and that they would answer his purpose as well as any other bills. The loan was granted. The Bank of Kentucky was, at the time, regularly paying to the branch, interest on these notes, and finally redeemed all that remained, a few months after the loan in question. It thus appears, that these bills were as good as cash to the bank, and the borrower alleged that they were of equal value to him. It is difficult to conceive any solid ground for considering this a case of usury. It would be as reasonable to say, that it would have been usury, for the Bank of Kentucky itself, to make a loan of its own depreciated notes. The utmost fairness was exhibited by the branch bank, in this transaction, the loan was made with reluctance after repeated applications, and yet the directors of the mother bank, many years afterwards, and since Mr. Biddle has been at the head of the institution, refunded to the borrower of the Kentucky notes, the full amount of the difference between their nominal and their real value, at the time of the loan, with interest. This has been also done in another similar case; so that, in the only two cases which have been brought to the view of the directors at Philadelphia for the purpose of having the amount of the depreciation refunded, the application has been granted with a promptness and liberality highly creditable to the institution.

The minority of the committee will barely remark, upon these transactions, that being free from all imputations of intentional usury, and never having been sanctioned by the Directors of the mother Bank, but, on the contrary corrected, they cannot furnish the slightest ground for alleging that the charter has been violated.

The second ground of imputation noticed by the majority of the committee is, "the issuing of branch orders as circulation."

On this point, the minority deem it sufficient to remark, that a branch order is nothing more nor less than a draft or bill of exchange drawn by a branch upon the mother bank; and that the charter expressly authorizes, as one of the primary operations of the Bank, the buying and selling of bills of exchange. If the Bank has a right to issue these drafts at all, it cannot, surely, be made a ground of just complaint against it, that they are used as circulation. That is exclusively the affair of the community. The Bank cannot be justly made responsible for the use which the public may choose to make of these drafts. It is the high credit of the bank that gives the character of circulation to this paper; and it is the voluntary act of the community receiving it as such.

In fact, there is no part of the bank which has been so beneficial to the public. It has, in practice, furnished the southern and western States with the means of affecting their exchanges with the north, without any expense whatever.

It may well be doubted, however, whether an extensive and permanent issue of these drafts might not prove very inconvenient to the Bank itself, in a certain state of the domestic exchanges, and it would be, therefore, a judicious measure, to supersede the necessity in which these drafts originated, by authorizing other officers than the president and cashier of the mother Bank, to sign notes for circulation.

Third ground of imputation, as relates to the violation of the charter, is, "the selling of coin, particularly American coin."

The minority would respectfully suggest, that the majority have entirely overlooked the nature and essential purposes of the Bank. It may be well defined to be "an institution established for the purpose of dealing in money." Now, money is a current coin; yet a committee of Congress very gravely bring it forward as a



charge, touching the violation of its charter, too, that it has been guilty of dealing in current coins, and, particularly, American coins, the very end for which it was created.

As relates to dealing in current coin, the right to do so is involved in the right of lending money and of receiving it back. The authority to deal in bullion is expressly granted in the charter, because bullion is not current coin, and, of course, the right to deal in it is not necessarily involved in the right of carrying on banking operations.

The fourth ground of imputation is "the sale of stock, obtained from Government, under special acts of Congress."

This charge is, if possible, more extraordinary than the last. If acts of Congress, which expressly authorized the Bank to subscribe for Government stock, had any meaning at all, they certainly meant to authorize the bank to acquire the right of property in the stock for which it was authorized to subscribe. The right to sell this stock at pleasure, is of the very essence of the right of property, and is as clearly conveyed to the corporation by the act authorizing a subscription, as the right to receive the interest.

The right to sell, therefore, is indisputable.

But the majority of the committee seem to suppose that the policy which forbids the Bank to speculate in stocks, with its immense resources, by which the price might be "raised and depressed at pleasure," equally forbade the Bank to sell the stock for which it had subscribed by the express authority of the Government. Now it is apparent, that the evil of dealing in stocks, by such an institution, can only exist in cases of *buying and selling stocks at the pleasure of the Bank*. To raise and depress prices, the bank must have the right, both to buy and to sell alternately, as may suit its purposes of speculation. But it has never pretended to claim, much less to exercise, the right of buying Government stocks, except under the express authority of Congress, and by an express stipulation with the Treasury Department. And after it has obtained a large amount of Government stocks in this mode, it is difficult to conceive how it could *raise* the price of these stocks by coming into the market as a *seller*, or how it could promote the purposes of a stock-jobbing speculation, by *depressing* the price, the only effect which could result from offering for sale. When these stocks were sold in 1825, there was an extraordinary pressure upon the money market of the whole commercial world. They constituted the very resource which the bank most required in such an emergency; and it is now matter of history, that it was partly by the wise, judicious, and timely use of this resource, that the Bank of the United States averted from this country the calamity of a general failure of the banks, and a widely extended scene of commercial bankruptcy.

The majority of the committee seem to regard it as a matter of complaint, that the Government permitted the bank to subscribe for these stocks, in preference to individuals. If this is, indeed, a just cause of complaint, it should be made against the Government, and not against the bank. When Congress expressly authorizes the Secretary of the Treasury to obtain a loan from the bank, and the Secretary stipulates the terms of that loan, it is impossible to conceive how any blame can be imputed to the bank, if it faithfully performs its engagements.

The fifth ground of imputation presented in the report of the majority is, "making donations for roads, canals, and other objects."

In two instances, the directors subscribed small sums to certain internal improvements in the vicinity of the real estate of the bank. This they did in the exercise of their proprietary right, and with a view to the improvement of the value of their property. For this exercise of power, they are responsible to the stockholders alone; and the question is, whether they have or have

not made a proper application of the funds of the corporation, with a view to the promotion of its interests? To what extent the value of the real estate of the bank has been increased, by the internal improvement in question, has not been ascertained; but it may be well supposed that it exceeds the sums appropriated by the directors to, and in the construction of these improvements.

The other "donations" to which the report refers, consists of small sums contributed to the fire insurance companies, for the safety of the bank property, and against which it is not pretended that any objection can be fairly raised.

The last ground of imputation, as touching the violation of the charter, is "building houses to rent or sell, and erecting other structures in aid of that object."

The bank is expressly authorized to purchase real estate; which has been mortgaged to secure debts previously contracted, and also such as may be sold under judgments and executions in its own favor. In the exercise of this right, the debtors of the bank are as much interested as the bank itself. For it must be apparent, that if the bank were not permitted to bid at these sales, the property of its debtors would be frequently sacrificed, at a sum greatly below its value. It has been only for the purpose of saving itself from loss, and the property of its debtors from being thus sacrificed, that the bank has ever purchased any real estate, except what has been necessary for its banking houses. There is no description of property which a banking institution is so unwilling to own as real estate. Such an institution is entirely unsuited to the management of such property, as much so as a farmer would be to manage the discounts of a bank.

Owing to the extensive failures of the persons indebted to the bank, in the western country, prior to 1817, the directors were unavoidably compelled to take a very large quantity of real estate, as the only means of avoiding still greater losses than they have actually sustained. They have disposed of this estate as rapidly as they could, consistently with the interests of the institution. On a portion of it, they have erected improvements, to prepare it for sale, and by means of which they will save the stockholders from a great portion of the loss which would have otherwise occurred, and will recover a large amount of the debts which were some years ago set down as desperate. If, for this course of conduct, the directors are rendered obnoxious to censure, then will they be condemned for the very faithfulness of their stewardship. It is too obvious to require, or to justify the use of argument, that the right of the bank to improve its real estate, is inseparably connected with the right to purchase—to hold, or to own it. On this subject, the House is referred to the exposition of the President, marked A. The next subject to which the report of the majority adverts, is the loan to James Watson Webb & Co. It is proper to remark, in the first place, that the only sums ever loaned to this co-partnership, were the sums of twenty, and of fifteen thousand dollars, the former in August, and the latter in December, 1831. It is also proper to remark, that the first sum was reduced to \$18,000, at the maturity of the note given for it; and that the latter sum was entirely paid off in March last, by Mr. Webb; and, as he expressly states on oath, without being requested by the bank to do so. The whole amount of the accommodations ever obtained from the bank, by Messrs. Webb & Noah, was \$35,000; and the whole amount now due by them is \$18,000.

The grounds and securities upon which these accommodations were granted, will now be stated. Mr. Webb produced to the directors a full statement of the affairs of the co-partnership, setting forth the value of their property, and the annual income derived from their paper. From this statement, which was authenticated by the oath of their book-keepers, it appeared that the net annual income of the paper, from advertisements and



subscriptions, was \$25,750, after deducting ten per cent. for bad debts, and defraying all the expenses of their establishment. Upon the whole, it appeared that this was one of the most profitable, as it is certainly the largest commercial newspaper, in the Union, with an immense advertising patronage, and a large and rapidly increasing subscription list.

With these exhibits, Mr. Webb produced the letter of Mr. Walter Bowne, Mayor of the city of New York, and formerly a director of the Bank of the United States, a man of wealth and high character, enclosing the application for the loan, and stating that "he did so with pleasure, and saw no reason against this being treated as a fair business transaction." Several of the directors, as well as the president of the bank, were examined on oath, in relation to this transaction, and as the clearest mode of exhibiting its true character to the House, extracts from these examinations will be given.

The following is the testimony of Mr. Biddle, relative to these loans:

*Ques.*—"Did you consider the loans made to James Watson Webb & Co. fair business transactions, such as you could not refuse without subjecting the bank to the imputation of indulging political partiality? State fully the views and considerations on which you voted in favor of those loans."

*Ans.*—"I certainly considered them as fair business transactions, or I should not have consented to them. At the request of the committee, I will explain the reasons of that opinion.

"If in making loans every transaction was perfectly safe, and every borrower perfectly good, banking would be an easy office; but as men generally borrow to employ the funds, in some profitable pursuit, subject, of course, to vicissitudes, all that can be expected in making loans is a fair and reasonable caution as to the situation and prospects of the borrower. Tried by these, the only test, I think the loans in question are unexceptionable. The first was done by a board of directors, consisting, besides the presiding officer, of six gentlemen, Mr. Lippincott, Mr. Fisher, Mr. Bohlen, Mr. Neff, Mr. Platt, and Mr. Willing, merchants and men of business, with no partialities, towards the applicants, with whom none of them had the least acquaintance. The ground of their judgment may be thus stated. In making ordinary loans, the board judge by the general standing of parties without any examination of their affairs. But in this case the parties began by an exposition of their whole situation. This was forwarded by Walter Bowne, Esq. the Mayor of the city of New York, where the applicant resided, who, in addition to his being personally known and respected by all the members, had been one of the oldest directors of the Bank of the United States, and for many years sat at the board around which the directors were then assembled. In this letter he says, "I cheerfully forward 'the papers' and I see no reason against this application being treated as a fair business transaction." He does not expressly say it ought to be granted, because he transmits at the same time, some of the materials on which the directors were to form their own judgment, to which others were added by Mr. Webb. But when an old director of the bank, forwards "cheerfully" an application to his ancient colleagues, which he says should be treated as "a fair business transaction," it implies certainly no responsibility—but it may be well regarded as a declaration, that were he still a member of the board, he would sanction it." Under these auspices the board proceeded to consider it.

One of the parties had been appointed by the President and Senate of the United States, to a confidential and lucrative post under the Government; the other had already invested \$33,000 in the paper, and his father-in-law, Mr. Stewart, whose letter accompanied the application, was known to be a wealthy man. Both were considered men of talents, and peculiar aptitude for the

business in which they were engaged. Then what was that business?

It was the conducting of the largest newspaper in the country, requiring, of course, considerable means, and giving employment to a great mass of active industry, its situation was represented to be this:

Mr. Webb declared that there were then 3300 daily subscribers at \$10,	\$33,000
2300 others at an average of \$4 50,	10,350
275 yearly advertisers at \$30,	8,250
310 days advertising, at \$55 per day,	17,050

Making,	68,650
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Deducting from this 10 per cent. on the daily subscriptions and advertisements (of which about one-sixth is paid in advance) say 5,830	
And 20 per cent. on other subscribers, say,	2,070

	7,900
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There remains a gross income of	60,850
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The annual expenses are stated at	35,500
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Leaving a net annual income of	25,750
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This statement is confirmed by the affidavits of the book-keepers and pressmen of the establishment.

The total value of the paper was thus stated:—

James Watson Webb had invested in it \$33,000; for which \$40,000 had been offered, provided the other half could be had for \$25,000. This he declined, but it is mentioned to prove that the whole might have been sold for

	\$65,000
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Then it was an improving establishment.	
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It had owed a debt to the banks of	15,000
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Which it had paid off in April and May, 1831;	
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out of the collections of the last six months;	
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which had amounted to	20,000
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It had, in 1829, owed a total debt of	29,000
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which it has since paid off.	
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And at the present moment its outstanding claims were more than its debts, by	10,000
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for its responsibilities and means, stood thus:	
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Outstanding debts in the country more than	
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25,000, of which could be collected on presentation of bills,	10,000
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Due in New York, more than four months	
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subscription, which, with the unpaid arrears of the last six month, may be safely estimated at	20,000
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And the property owned by the applicants	
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amounted to	8,000
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Making,	38,000
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While the whole amount of debt was	28,000
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Leaving an excess of	10,000
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That they had been deemed worthy of credit in N.	
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York, appeared from two facts.	
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1. That the banks of N. York had lent them \$15,000,	
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which they had repaid.	
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2. That the respectable mercantile house of J. L. &	
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J. Joseph & Co. a firm well known to the directors, had	
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lent them \$20,000, which had been repaid out of the	
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profits of the establishments, as those gentlemen themselves	
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certify in a document accompanying the papers.	
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Finally, they had no accommodation, direct or indirect,	
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out of any bank.	
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The case stood thus: Here are two persons of skill in	
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their profession, engaged in an establishment for which	
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the capital is	\$65,000
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The gross income,	60,750
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The expenditures,	35,00
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And the nett income,	25,750
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In conducting such a business, where the receipts are	
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semi-annual, the payments daily and weekly, they naturally	
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require, like other men in business, some credit.	
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They accordingly apply to borrow \$20,000. They wish	
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to borrow it, not to pay previous debts, not to spend it	
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on objects unconnected with their business, but for the purpose of employing it all in a way to increase the profits of the concern itself, by procuring a new press, and enlarging their means of obtaining early commercial information, and thus make the paper more valuable.

"Now the statements may be presumed to present the most favorable aspect of the case, from the sanguine temper in which men are prone to estimate their own professions and prospects, and yet unless they were wholly fallacious, the board saw enough to warrant the loan. It was further justified by the event; for when the note fell due, \$2000 were paid off at a time when the demand for money induced many other debtors to ask for a renewal of their notes.

"So much for the loan of \$20,000."

The other loan rested on the same principles as the first, with this addition. The parties stated, that owing to the part which they had taken in regard to the bank, they had been deprived of their usual accommodations in their business. Whatever might be the reason, the fact of abridgment of these facilities furnished a reason for extending the loan in addition to the belief of its safety,—which was, that by so doing, any hazard to the original loan might be prevented; and the best evidence of its security is, that *the parties have since repaid the loan.*

In regard to the other loans, which appear in their names, *they were given without any knowledge of their being discounted at the bank.* They were done at the request of a person of undoubted solidity, which has been proved in the most decisive way—by the actual payment of the notes. That they intended to aid Mr. Noah, the drawer of the notes, in purchasing a share in a newspaper, was stated at the time. But that formed no objection to them. He borrowed money as thousands borrow money every day, to employ it in his active business. If Mr. Noah himself applied to the bank for a loan to buy a share in a newspaper, and the security was satisfactory, the purpose of the loan would have made no difference. Nine-tenths of the loans made of the bank, probably are made to persons to buy something, or to pay for something already bought. Men borrow money to buy a share in a ship—a share in a cargo—a share in a bank—a share in a canal—why not a share in a newspaper? The bank had no difficulty about the loan, because it was thought secure; nor about the object, because it was not the concern of the bank. It does not inquire, and does not care, where its money goes—its only anxiety is, that it should come safely back; and, whether, in the interval, it is employed by a merchant, or a farmer, or a lawyer, or an editor, is a matter of which it takes no cognizance."

"In respect to loans generally to editors of newspapers, the bank proceeds on the principle of knowing no class of citizens, and proscribing none. Even with this rule, its situation in regard to such loans is a little peculiar. From the nature of their occupations, editors engaged in the discussion of matters of national concern, have generally expressed opinions in regard to the bank; and their dealings with the bank, render it difficult to escape censure. When an editor, friendly to the bank applies for a loan, if it is granted, it is ascribed to favoritism; if it is refused, the party naturally thinks it ingratitude. When an editor opposed to the bank applies for a loan, if it is granted, it is deemed an attempt to influence him, while if it is refused, it is called a persecution on account of his free opinions. The bank has endeavored in these matters, rather not to deserve reproach than to escape it.

In reply to that part of the question which relates to politics, I believe that, if in granting the loans in question, there was insensibly blended with the mere business considerations, any political feeling, it was probably this: that charged, as the bank habitually is, with hostility to the present administration, it was due to the interest of the stockholders, to correct so unfounded an impression, when a fair opportunity occurred of giving

accommodation to those who were considered as the most strenuous and efficient supporters of that administration. The directors of the bank, understand too little of the subject to attempt to adjust the balance of accommodation to political parties, nor have I myself ever had even curiosity sufficient to notice it, until the inquiry of the committee had suggested it. But, undoubtedly, as the committee cannot fail to perceive, by far the greatest amount of loans to editors, is to the friends of the present administration, and a large portion of that to the decided opponents of the bank."

All the directors who were examined, testified that they granted these loans under the full belief that they were safe loans, and Mr. Cope, a gentleman of intelligence and high character, gave the following explanation of the views and motives by which he was governed in voting for the second loan of \$15,000.

"Documents," said he, "were exhibited to the committee, containing a statement of the names of the parties to the note, by which they appeared to be worth about \$30,000, with a prosperous business, and a large subscription list. The loan was made, as all other loans are made without any regard to the politics or business of the parties, but solely because it was the business of the bank to lend on adequate security."

"I was well aware, at the time, that they were partisan printers, and I knew that if we made the loan, it might be ascribed to improper motives, and that if we rejected it, it might be said we persecuted the individuals on account of their politics."

Such are the grounds upon which the directors granted these loans to James Watson Webb & Co.

It will be readily perceived, that the directors of the bank were placed in very peculiar circumstances by this application. They had been accused in various quarters, of having brought the power of the institution to bear upon the politics of the country, and particularly, with having taken sides against the present administration. Having invariably pursued a course in their transactions which recognized no distinction of political parties, it was very natural that, while laboring under the imputation just stated, they should have been scrupulous to avoid giving any color of foundation for it.

As the evidence and recommendation produced, satisfied all the directors of the safety of the loan, they could not but feel that, if they refused to grant it, they would give countenance to an imputation which they were laudably anxious to avoid.

It is proper to add, that James Watson Webb & Co. in their paper, the *Courier and Enquirer*, had declared themselves in favor of renewing the charter of the bank, some months before the application for their first loan; and that they stated to the directors, on making application for the first loan, that the banks of New York had cut them off from their accustomed facilities, as they believed, in consequence of their espousing the cause of the Bank of the United States.

It is also proper to add, in this place, that the loan of \$17,975, which was made in March 1831, was not a loan to Webb and Noah, or to either of them. The money was borrowed by Silas E. Burrows, a man of large fortune, upon his own responsibility, without the knowledge of either Webb or Noah. They both testify that they had never been apprised that Mr. Burrows had obtained this loan from the bank, until a very short time previous to the visit of this committee to Philadelphia. They had, until that time, been under the impression that the money was obtained for them of Mr. Silas E. Burrows, in Connecticut. The following extract from the testimony of Mr. Biddle, will exhibit a clear view of this transaction:

"These notes were discounted by the exchange committee under the resolutions just referred to. They were done at the request of Mr. Silas E. Burrows, of New York. Mr. Burrows had, some time before, brought me a particular letter of introduction from an old friend, Mr. Monroe, the ex-president. Mr. Burrows had been very liberal to Mr. Monroe, in his pecuniary misfor-



tunes, and he had recently received from the President of the United States, particular thanks and commendations for his generous conduct towards a Russian ship of war. I understood him to be a very rich merchant, of kind and benevolent disposition, and constantly engaged in doing acts of liberality. In one of his visits to Philadelphia, he said, he was desirous of befriending Mr. Noah, and assisting him in the purchase of a share in a newspaper, and he asked if the bank would discount the notes of these parties—adding that, although, as a merchant, he did not wish to appear as a borrower, or put his name on a paper not meretricious, yet he would at any time do so, whenever it might be necessary to secure the bank. The committee being authorized to discount any paper, the security of which they might approve, agreed to do them.

As Mr. Burrows was going out of town, I gave him the money out of my own funds, and the notes were afterwards put in my possession. They remained with me for a long time, as I had no occasion to use the funds, nor was it till the close of the year, that my attention was called to them by the circumstance that, as a new board of directors, and a new committee of exchange would soon be appointed, the same committee which made the loan should consummate it. I had seen, also, in the public prints, many reproaches against the bank for lending money to printers and editors, and I was unwilling that any loan made by the bank should seem to be a private loan from one of its officers. Having no use for the money, it would have been perfectly convenient to let the loan remain as it was, but I thought it right, that every thing done by the Bank should always be distinctly known and avowed, and I therefore gave the notes to the chairman of the committee, Mr. Thomas P. Cope, who entered them on the books. On the 2d of March, Mr. Burrows called at the bank and paid the notes. I ought to add, that the loan was made at the request of Mr. Burrows, and that neither I, nor any of the committee had ever seen Mr. Noah or Mr. Webb, or had any communication with them, direct or indirect about the loan. It was made on the credit of Mr. Burrows, who afterwards paid it.

It appears that Messrs. Webb and Noah, avowed themselves in favor of a renewal of the charter of the Bank of the United States, on the 8th of April, 1831. It is difficult, therefore, to conceive what possible influence could have been produced upon their course by a loan to Mr. Burrows, of which they had no knowledge. It is difficult to perceive how the loans of August and December 1831, could have had any possible agency in producing the change which it is alleged took place in the course of these editors upwards of four months before.

Under all the circumstances of this case, the minority of the committee declare without any reserve, that there is nothing in these transactions calculated to induce them to doubt the honor and integrity of the directors, and this, they feel authorized to say, is the opinion of a majority of the committee, from the opinion already publicly expressed of one of its members.\* They also deem it to be due to the occasion, and to their own sense of justice, that they should add, that, they do not believe there exists in the United States a bank direction composed of more upright, independent, and honest men, than that which granted the loans in question.

Most, if not all of them, are men of independent fortunes, having no connexion with politics, and being entirely independent of banks. They are generally men who are engaged in a safe and successful business, with fortunes, which they have made, not by adventurous speculations, but by steady industry, and moderate but certain profits. This is, indeed, the general character of the merchants and capitalists of Philadelphia, a circumstance which renders the location of the Bank in that city peculiarly fortunate for the stockholders and for the country.

The next subject brought to the view of the House by the report of the majority, which it is now deemed necessary to notice, is that of the transactions of the bank with Thomas Biddle & Co.

Mr. Thomas Biddle, the principal member of the firm, is a distant relation of the president of the Bank, and it was owing to this circumstance, probably, that his accounts underwent a most prying, not to say inquisitorial, examination.

The first thing that struck the attention of a part of the committee, as worthy of scrutiny, was the fact, that this house, had obtained from the bank, in August, 1831, loans to the amount of upwards of a million of dollars, on a pledge of stocks,—a sum which had been gradually reduced, however, to about six hundred thousand dollars.

On examination, it was found that this loan had been made at the special instance and urgent solicitation of the directors of the Bank; and that the Bank, and not Thomas Biddle & Co., was the party accommodated. The Government having then recently paid off several millions of its stock, which the Bank had owned, the consequence was, that a large portion of the money capital of the institution was rendered unproductive, and it became a matter of great importance to have it invested. In this state of things, the directors adopted a resolution, authorizing the loan of a large sum, at less than the legal interest, upon the security of any good stock. It is to be here remarked, that this was that portion of the capital of the bank which had never been invested, and which it was not deemed expedient to invest, in the routine business of discounts. The loan to Thomas Biddle & Co., on the pledge of stocks, was analogous to a loan to the Government. The stocks could, on any emergency, be sold and converted into cash; so that this investment had, in some sort, the twofold attribute of money in the vaults of the bank, to meet any pressing demands against it, and money, at the same time, drawing interest.

All the directors, who were examined on the subject, stated that they considered this transaction more for the benefit and accommodation of the bank, than of Thomas Biddle & Co., and the president of the Bank of Pennsylvania states, on oath, that the bank over which he was president, would have been very glad to have made large loans to Thomas Biddle & Co., at the same time, and upon the same terms—the board of directors of that bank, having authorized such loans at 4½ per cent.

There was one occurrence during the examination of the transactions of Thomas Biddle & Co., with the bank, which merits particular notice.

An informer and witness, by the name of Whitney, who had formerly been a director of the Bank, was produced, who declared, upon oath, that, in July, 1824, two of the cashiers of the bank, and one of the discount clerks, had informed him that Thomas Biddle & Co. had been in the habit of drawing money out of the bank, on a deposit of stock in the teller's drawer, *without paying interest*; and that the president of the Bank had discounted two notes, one for Thomas Biddle & Co., and one for Charles Biddle, without the authority of the directors. This witness stated, that he went with these officers of the bank, and examined the teller's drawer and the discount book, and found the facts which had been stated to him, verified by the examination. He also stated, to give additional certainty to his averments, that he made a memorandum at the time, with the dates of the transactions, which memorandum he produced to the committee. Having thus unalterably fixed the date of the transaction, as if by some fatality, he went on to say, that he immediately proceeded into the room of Mr. Biddle, the president, and remonstrated with him against these irregular proceedings; and that Mr. Biddle promised him that they should not occur again.

Mr. Biddle was present during the examination of this witness. On that day, being on oath, he said that he was utterly astonished at the testimony of the witness,

\* Col. R. M. Johnson.



and could only oppose to it his solemn declaration, that there was not one word of truth in it, from the beginning to the end. He added, that from the relation in which the witness stood to him, he would have sunk into the earth, sooner than he would have dared to come to him with such a remonstrance as he pretended to have made. The officers of the bank, from whom the witness alleged that he derived this information, were examined, and all of them positively contradicted him. They testified and demonstrated from the books, that Thomas Biddle & Co. had never obtained money, in any instance, without paying interest, and that the two notes, which Whitney asserted to have been discounted by the president alone, had been discounted regularly by the directors.

In the interval between the adjournment of the committee that day, and its meeting the next, a member of the board of directors suggested to Mr. Biddle, that he was, about the time of this alleged transaction, in the city of Washington. On examining the journals of the board and the letter book, it was found by entries and letters, that for several days previous to the alleged interview between the president and Whitney, and for several days afterwards, the president was absent on a visit to this city, on the business of the bank, and General Cadwallader was acting as president in his place.

Thus was this artfully devised story, which was intended to blast the reputation of a high minded and honourable man, through one of those extraordinary interpositions, by which Providence sometimes confounds the contrivances of the wicked, made to recoil upon the head of its inventor, who must forever stand forth as a blasted monument of the speedy and retributive justice of heaven. It is important here to add, that the president was in this city, not only at the time of the alleged interview, but at the very time when the notes of Thomas Biddle & Co., and Charles Biddle, were discounted, which Whitney swore were discounted by the president alone.

The minority of the committee will avail themselves of this occasion to say, that they had the most conclusive evidence, that in all the transactions of the bank with Thomas Biddle & Co. and Charles Biddle, the president has been, not only free from the slightest imputation of partiality or favoritism, but that his conduct has been invariably governed by a nice and scrupulous sense of delicacy and propriety. And this they feel authorized to say, is the opinion of a majority of the committee. The following resolution was unanimously adopted by the committee:

*“Resolved,* That the charges brought against the president, of lending money to Thomas Biddle & Co. without interest, and of discounting notes for that house and for Charles Biddle, without the sanction of the directors, are without foundation; and that there does not exist any ground for charging the president with having shown, or manifested any disposition to show any partiality to these individuals, in their transactions with the bank.”

The report of the majority, adverting to the withdrawal of specie from the southern and western branches, and the substitution of paper in its stead, suggests a doubt whether their operation may not be highly injurious to the southern and western States. So far from concurring in this doubt, the minority are of the opinion that there are no portions of the Union so much benefitted by the general operations of the bank, as the south-western and western States, and that the change produced by the bank in this system, and in the rates of domestic exchange, has been particularly beneficial to the whole of the southern and western States. Connected with the exchange operations of the bank, the transmission of specie from New Orleans to the northern Atlantic cities, is nothing more than a natural operation of trade, carrying the specie imported at New Orleans to its appropriate markets. This operation is carried on by the bank instead of being left to individuals, to the undoubted advantage of the community.

With a view to connect itself more completely with the commercial operations of the country, the bank has also deemed it expedient to deal freely in foreign exchange. It is obvious that this branch of its business is as important to the foreign commerce of the country, as dealing in domestic exchange is to our internal commerce.

Having heretofore had large funds in Europe, and having still extensive credits there, it has been, and still is, the policy of the bank to afford to the mercantile community every facility for carrying on foreign commerce. At the south, where the staples of exportation are produced, it is constantly in the market as a purchaser of bills on Europe, to the great benefit of the planter; and, at the north, where foreign merchandize is imported, it is as constantly in the market as a seller, to the like benefit of the importing merchant. In this way the price of foreign bills is kept uniform and steady, and those injurious fluctuations are prevented, which would otherwise operate as heavy taxes upon the business classes of the community, for the benefit only of private dealers in exchange.

The majority of the committee have selected for commentary, a particular branch of the foreign exchange business of the bank—that which is connected with the trade of India and South America. This subject has been already explained in another form, and it will be sufficient to remark here, that it has almost entirely arrested the direct exportation of specie from this country to China, and that it saves to this branch of our trade the whole of the interest upon the entire amount of every commercial adventure, for at least six months out of twelve. On the subject of the general facilities which the bank has afforded to the country, in the operations of foreign commerce, the minority of the committee will refer the House to the perspicuous exposition furnished by the president, of the general operations of the institution, which is herewith submitted and marked A.

It will be seen from this document, that during the recent pressure upon the commercial community, produced by the excessive importations of the last two years, the bank furnished, since September last, “from its own accumulations and credits in Europe, the means of remittances in its own bills, to the amount of \$5,295,746, and parted with its surplus specie to the amount of five millions, making an aggregate contribution to our commerce of \$10,295,746.”

The extent to which these operations of the bank must have relieved the country, are too obvious to require comment. Without this temporary relief—and it was only temporary relief the community required—the greatest commercial distress would have probably ensued. The crisis is now nearly passed. The pressure on the money market has, in a great measure, ceased; commerce has had time to correct its own excesses; importations have been diminished; the unfavorable state of the foreign exchanges no longer exist; specie has ceased to flow from the country, and has begun to flow into it. Since March last, the specie in the bank has increased more than a million of dollars, and every thing is rapidly assuming a sound and healthy condition.

The majority, in the concluding part of their report, intimate the opinion that the bank, by its imprudent and excessive issues, has had a considerable agency in producing the over-trading and excessive importations of the last year.

Whatever show of plausibility there may be in this opinion, facts demonstrate that it is entirely erroneous. It will be seen from the statements herewith exhibited, that the domestic discounts of the bank had not increased perceptibly from March, 1829, to March, 1832; but that they maintained an almost uniform level during the whole of the intervening period. The excessive importations, however, commenced in March and April, 1831, and must have had their origin in causes some months anterior. It is apparent, therefore, that these excessive importations were not produced by the excessive issues



of the bank, and must have originated in other causes connected with the state of Europe. The more correct view of the subject, is to consider the excessive importations as producing a state of things which rendered it necessary for the bank to extend its discounts, with a view to relieve the community from the temporary pressure to which it was thus exposed.

It so happened, that at the very time the country stood most in need of bank accommodations, the bank had increased means and inducements to extend those accommodations. The government having paid off, within the last eighteen months, ten millions of its stock, which was held by the bank, the directors found that if they did not increase their discounts considerably, some millions of their capital must be idle and unproductive. It thus happened that the wants of the community, the means of the bank, and, it may be added, the obligation of the directors to the stockholders and to the community, all co-operated to call for that extension of bank accommodations, which, so far from having produced overtrading and excessive importations, has been the means of correcting and mitigating the temporary evils and embarrassments which these irregularities of trade would otherwise have unavoidably produced.

The minority of the committee deem it to be their indispensable duty to notice that part of the report of the majority, which institutes a comparison between the resources of the bank and the condition of the country in 1819 and at the present time. They cannot but regard the comparison thus presented by the report, as unfair and partial, and calculated to produce impressions on the public mind as absolutely erroneous as they would be positively pernicious.

If it had been the design of the majority to produce a scene of general embarrassment and distress in the commercial community, in the absence of any natural causes for such a state of things, they could not have adopted a more effectual means of accomplishing such an object than they have done in this part of their report.

Fortunately, however, for the country, the commercial community of the United States have too much intelligence to be thrown into a panic by the loose, disjointed, and garbled statements, the crude speculations, and the random conjectures, in which a part of the committee have thought it expedient to indulge. If a general alarm has not ensued, producing a run upon the banks, or curtailment of discounts, and a general scene of failure and distress, particularly among the government debtors in our principal importing cities, it is because the community understand the subject better than a portion of the committee, and have placed a proper estimate on their statements and speculations.

There are no two periods of our commercial history so utterly dissimilar as those which have been selected for the comparison instituted by a part of the committee. In 1819, the bank was engaged in the painful but necessary office of correcting a redundant and depreciated currency, produced by political causes, and having scarcely any connection with the state of trade.

At this moment, whatever may be said to the contrary, our currency is in as sound a state as that of any country in the world; and this is conclusively proved by the state of our foreign exchanges, and the relative value of bank paper and coin in our own markets. The foreign exchange is an infallible barometer, to indicate the soundness or unsoundness of our currency. A reference to the state of the exchange between this country and Great Britain, at this time, will furnish a conclusive reply to the charge brought against the bank, of having encouraged over-trading by excessive issues, and a depreciated currency. In fact, specie is now flowing into the country, by the natural course of trade, a phenomenon which is utterly inconsistent with the alleged depreciation of our currency.

After making a partial and imperfect statement of the relative resources and responsibility of the bank in

1819, and at the present time, the report expresses the opinion that "at no period in 1819, when the bank was very near suspending payment, was it less able to extend relief to a suffering community, as [then?] at the present moment."

Now, the very complaint urged by a part of the committee against the bank is, that it has been too liberal in its discounts, or in other words, that it has granted too much relief to a suffering community already; and yet it is here set down, as a subject of lamentation, that the bank is not able to extend this relief still further! The country has just been laboring under a considerable, but temporary pressure upon the money market, during which the bank, with as much liberality as judgment, has put forth all its resources to sustain and relieve the commercial community.

The crisis of this pressure has already passed by, and the necessities of the merchant for bank accommodations are gradually diminishing; and it is precisely at this point that a part of the committee, having complained that the bank went too far in its accommodations when they were necessary, complain also, that it cannot go still further, now, that the emergency is passing away.

The actual resources of the bank will now be stated, with a view to show its perfect ability to meet all its engagements. The specie in its vaults on the first of the present month, was \$7,890,347, being upwards of a million more than it was in March last.

There was due, then, from the State banks, \$726,196. The domestic bills of exchange held by the bank on the 1st of May, amounted to \$23,052,972, ten millions of which will be paid in the course of a month, and none of which have a longer period to run than ninety days. These sums united, make \$31,669,515, a fund, the greater part of which may be considered as available for any probable emergency of the bank, as so much specie in its vaults. These domestic bills of exchange are founded upon the actual operations of our internal trade, and are in fact, drawn in anticipation of the southern and south-western crops, which regularly arrive in the northern and eastern cities in time to pay them. They are uniformly and promptly paid at their maturity, without any expectation of a renewed accommodation from the bank, as in the case of discounted notes. In addition to the sum already stated, the bank has good notes discounted on payment, and other security, amounting to \$47,375,078, and real estate and foreign bills, amounting to \$3,012,825.

The whole of the available resources of the bank will be thus seen to amount to \$82,057,438, at least one half of which could, on any emergency, be converted into cash in the course of a few months. On the other hand; the whole amount of the responsibilities of the bank, including the circulation, foreign debt, and public and private deposits, amount to only \$43,685,603.

So that, instead of being reduced to the frightful predicament of having only "an aggregate of \$9,640,000 to meet an aggregate responsibility of \$42,643,000," which the author of the report might well set down with two notes of admiration, the bank has undoubted resources amounting to \$82,057,438, to meet a responsibility of \$43,685,603.

In the actual state of the country it is visionary in the extreme to imagine the bank is in the slightest danger of being reduced to the necessity of "suspending payment." The whole amount of its circulation is now only \$22,000,000, and this is the only portion of its responsibility which can be properly taken into the estimate, in the view now under consideration. The deposits, except in periods when all commercial confidence is lost, so far from being properly regarded as a debt for which the bank should make provision as for its circulation, are universally considered by all banks as a fund upon the faith of which they may safely issue their paper to an equal amount. Whatever may be the amount of the deposits, at any given time, it is a fair



calculation, founded on actual experience, that it will be equally as great at any future time.

If this were not the case, the government deposits, about which so much has been said, would be of no value to the bank; but, on the contrary, a very great incumbrance.

Upon the whole, then, the bank is not only fully able to meet all its engagements, but is in a state of the highest prosperity. And it is but bare justice here to remark, that its general operations have been conducted with singular judgment and ability, in these very particulars which a part of the committee have selected as topics of disapprobation and censure.

The minority of the committee will barely advert to some of the other topics introduced into the report.

It is alleged that the bank has given an undue extension to its branches, and by some process of reasoning difficult to comprehend, it seems to be informed, that the alleged excess of the circulating medium, is owing in part, to that cause. It is sufficient to remark, on this point, that the greatest improvement which has been made in the administration of the bank, and that which gives it its true federal character, has been effected by the establishment of branches wherever the commerce of the country required them: and by the system of exchange operations, which these branches have enabled the bank to carry into effect.

The whole business of dealing in domestic bills of exchange, so essential to the internal commerce of country, has been almost entirely brought about within the last eight years. In June, 1819, the bank did not own a single dollar of domestic bills; and in December, 1824, it owned only to the amount of \$2,378,980; whereas it now owns to the amount of \$23,052,972.

The opinion of Mr. Cheves, in 1819, is adverted to in the report, to prove the impolicy of increasing the number of branches; and the fact is stated, that a large proportion of the losses sustained by the bank have been owing to the mismanagement of the branches.

The opinion of Mr. Cheves was founded on the peculiar state of things which existed at the time. He felt the difficulty of controlling these branches, of which, as he stated, the "directors were frequently governed by individual and local interests and feelings;" and he came into the administration at a time when immense losses had been suffered by their mal-administration. But it is very important to remark—that the report does not bring to view—that almost all the disproportionate losses incurred by the branches were previous to 1819; and that, since the extension of the branches, of which the report complains, they have not sustained greater losses, in proportion, than the mother bank; while nine-tenths of the commercial facilities afforded to the country, and nine-tenths of the profits secured for the stockholders, have resulted from the operations of these branches.

The report makes reference to the obligation of the Bank to transfer the funds of the Government, to any point where they may be wanted for disbursement, and seems to have made the extraordinary discovery, that this operation is no burthen at all, but an actual benefit to the bank! For the satisfaction of those who might be sceptical, the words of the report will be given:

"The largest portion of the revenue, particularly from imports, as is universally known, is collected in the Atlantic cities, north of the Potomac. These cities being the great marts of supply to nearly the whole of the United States, and places to which remittances centre from almost every part of the country, creates a demand for funds upon them from nearly every quarter, constantly, and generally at a premium. Therefore, so far as the bank is called upon to transfer funds from those cities to other places, it becomes a matter of profit and not of expense to it: and the greater the distance, the greater the premium; and the larger the amount they require to be transferred by the government, and the greater the distance, the greater the profit and advantage to the bank."

If these views of the report be correct, the bank is certainly an invaluable institution. It has not only annihilated time and space, but it has done something more. It has produced such a state of the exchanges, that it is much easier for a man in New York to pay a thousand dollars in St. Louis, than to pay it in Wall street; and in which, consequently, the New York debtor actually makes a profit by being required to pay his debt a thousand miles off, instead of paying it at his own door! If this be a correct view of the subject, it is undoubtedly one of the greatest of the modern discoveries in finance and commerce.

But the minority are still incredulous. They cannot understand how it is possible for the bank to make a profit by transferring funds, when it is expressly stipulated that they shall transfer them for nothing. Nor can they still conceive how the loss which the bank sustains by the operation of transferring funds for the government, can be more than the difference between the "nothing" which it receives from the government, and the profit which it would derive from the same operation, if performed for individuals.

If the government collected its revenue in specie at New York, and had occasion to spend it at St. Louis, it would certainly cost it some thing to transport the specie from one place to the other. If, in the absence of the federal bank, it collected its revenues in bills of the State banks, as it would be obliged to do, the operation of transferring these funds to distant places would involve a still greater expense. But under the existing system, the bank is responsible for the safe custody of the government funds, and for placing them wherever they may be required, without any expense whatever to the government.

If, then, the bank has not "aided the fiscal operations of the government," as the report seems to intimate, a uniform currency and a revenue safely kept, and universally transferred at the risk of the bank, and without expense to the government, affords no aid to its financial operations:

The report, advertent to a letter from the president of the bank, of the 26th of March last, in which he informs the Secretary of the Treasury, that the collector of New York had requested the "bank to authorize an extension of loans in that city, in order to assist the debtors of the government," and that this had been promptly done, gives a view of the discounts of the office at that place, calculated to make the impression that no extension of loans had taken place. This is an error. It proceeds from confounding notes discounted with bills of exchange purchased by the bank. It will be seen by the weekly statement of the New York board, that the amount of notes discounted on the first of September, 1831, was \$4,103,134, and that on the 21st March, 1832, a few days before the date of the president's letter, the amount was \$4,834,917, exhibiting an increase of \$731,782, in a little more than six months.

If the amount of domestic bills falling due at a distance, during the same period, were larger than the amount purchased by the bank—this fact has nothing to do with the extent of the accommodation afforded by the bank to the merchants of New York. The true measure of that accommodation is the amount of domestic notes discounted, and not the amount of these notes united to that of the domestic bills purchased.

If the bank has relieved the commercial community of New York, during the recent pressure, it is a fact well understood, and practically felt by merchants there; and it will be difficult to reason them out of the convictions of their own experience, by artificial statements and conjectural inferences. Upon a review of the whole ground occupied in the examination they have made, the minority are of the opinion, that the affairs of the bank have been administered by the president and directors, with very great ability, and with perfect fidelity to all their obligations to the stockholders, to the Government, and to the country. They regard the



bank as an institution indispensable to the preservation of a sound currency, and to the financial operations of the government, and should consider the refusal of congress to renew the charter as a great national calamity.

They will add, in conclusion, that they are equally decided in the opinion that Congress is called upon by the most weighty and urgent considerations, to decide this important question during the present session. The uncertainty which prevails on this subject, is calculated to exert a very pernicious influence over the industry, enterprize, and trade of the country. If the charter of the bank is not to be renewed; if the tremendous operation of withdrawing from the community, fifty millions of bank accommodations, and twenty-two millions of circulating medium, must take place, it is full time that it should be distinctly known, that the shock of this operation may be mitigated, by timely arrangements on the part of the bank; and that the community may have time to provide the necessary substitutes. Considering the immense extent of the operations of this institution, the time which its charter has yet to run, will be scarcely sufficient for winding up its affairs.

To the report of the majority is appended a great number of questions, proposed to the president of the bank, by a member of the committee, on the general subjects of banking and currency. As the questions alone, throw very little light on these matters, the answers are herewith submitted for the information of the house.

GEORGE McDUFFIE,  
J. Q. ADAMS,  
JOHN G. WATMOUGH.

METEOROLOGICAL REGISTER.

Extract from the Meteorological Register, taken at the State Capitol—Harrisburg, Pennsylvania,  
By JAMES WRIGHT, Librarian.  
APRIL, 1832.

Days of Week.	Thermometer.					Barometer.				WINDS.	
	Days of the Month.	Morning temperature.	Noon temperature.	Even. temperature	Mean temp. of day	Highest in Morn.	Highest at Noon,	Highest in Even.	Mean height of Barometer each day		
Sunday	1	48	58	59	55	29.70	75	75	29.73	W	
Monday	2	42	51	58	50		70	75	76	S	
Tuesday	3	46	52	54	51		72	73	73	N W	
Wednesd	4	37	50	60	49		68	70	76	71	W
Thursd'y	5	36	41	48	42		70	70	70	70	N
Friday	6	33	45	51	43		70	75	75	73	N E
Saturday	7	37	49	58	48		70	75	78	74	N E
Sunday	8	40	45	45	43		74	72	74	73	N
Monday	9	29	40	50	40		70	73	77	73	N
Tuesday	10	39	52	60	50		73	77	81	74	N E
Wednesd	11	45	60	73	59		75	81	84	80	E
Thursd'y	12	49	69	69	62		76	82	76	78	S W
Friday	13	51	70	73	65		76	82	86	81	S W
Saturday	14	54	75	79	69		76	85	86	82	W
Sunday	15	56	65	58	60		80	80	80	80	S E
Monday	16	40	43	44	42		71	70	70	70	N E
Tuesday	17	43	56	51	50		73	75	75	73	N
Wednesd	18	44	52	51	49		73	73	73	73	N
Thursd'y	19	45	50	49	48		73	72	72	72	N
Friday	20	46	52	49	49		70	70	70	70	N
Saturday	21	35	47	60	47		68	70	75	71	W
Sunday	22	48	53	60	54		75	74	74	74	N
Monday	23	43	55	59	52		71	75	75	74	S E
Tuesday	24	45	70	65	60		73	76	80	76	S E
Wednesd	25	53	73	68	65		76	78	80	78	S E
Thursd'y	26	58	76	73	69		76	78	80	78	S W
Friday	27	63	79	74	72		78	78	78	78	S W
Saturday	28	52	57	52	54		73	73	73	73	E
Sunday	29	46	53	50	50		70	71	70	70	E
Monday	30	45	50	52	49		68	70	72	70	E

Thermometer.		Barometer.	
Maximum on the 27th	72°	Max. on the 14th	29.82 in.
Minimum on the 9th	40°	Min. on the 5th	29.72 in.
Difference	32°	Difference	.10 in.
Mean	53°	Mean	29.74 in.
Days of the month.		Winds.	
5	8 9 17 18 19 20 22,	8	days North
6	7 10 16	4	“ North-East
11	28 29 30	4	“ East
15	23 24 25	4	“ South-East
2		1	day South
12	13 26 27	4	days S. West
1	4 14 21	4	West
3		1	day North West
Days of the month		Atmospherical Variation.	
1	4	2	days
2	5 6 7 9 12 13 24	8	“
10	11	2	“
3	15 17 20 30	5	“
16	18 19	3	“
27	28 29	3	“
14		1	day
8	25	2	days
21		1	day
23		1	“
22		1	“
26		1	“
			M.
			A.
			Cl'r blust'ring
			Cl'r blustering
			Fair
			Fair
			Smoky
			Smoky
			Cloudy
			Cloudy
			Light rain
			Light rain
			Cloudy
			Rain
			Cloudy
			Cloudy
			Fair
			White fr'st, elr
			Cloudy
			White fr'st, elr
			Clear
			Cloudy
			Clear
			Cloudy
			Clear

On the 14th in the evening, Thermometer at 79°, the highest.  
On the 9th, in the morning, do. at 29°, the lowest.  
Range in the month, 50°.  
On the 14th, in the evening, Barometer at 29.86, the highest.  
On the 4th, in the morning, at 29.68, the lowest.  
Range in the month, .18 inches.  
The wind has been 12 days East of the meridian, 9 days West of it, 8 days North, and 1 South.  
This month was 4½° warmer than last April.

DOMESTIC COAL TRADE.

We are indebted to a private communication received from a highly respectable official source, that a report has been made to the United States Senate by Mr. Diekerson, on the recommendation of the Secretary of the Treasury, in favor of depriving us of nearly all legislative protection by a wholesale reduction from \$2 16 to 46 cents! per chaldron. The intelligence of the threatened calamity has spread deep consternation wherever it has been told. The reviving hopes of the industrious miner whose career has been marked by a steady perseverance during a long period of ruinous depression in the coal business, are about relapsing into feelings of renewed disappointment and despair. As many of our friends are probably unacquainted with the real extent of property jeopardized by the measure proposed, and the individual ruin attendant upon its success, not to mention the injury which the national prosperity must sustain, we have thought proper to offer the following statements, founded on the best information we have been able to obtain.

Statistics of the Schuylkill County Coal Region.

The number of inhabitants whose means of subsistence are dependent on the coal region in Schuylkill county, may be estimated at 8,000  
There are about 900 persons employed on canal boats, who, together with their families, will amount to 4,000  
Making twelve thousand persons who derive their support from the coal business.



The capital invested in coal lands will amount to	\$5,000,000
In buildings,	2,500,000
In rail-roads,	8,000,000
In rail-road cars,	75,000
In canal boats and horses,	165,000

\$8,540,000

The cost of the construction of canals within and without the state of Pennsylvania expressly to serve as means of transporting her mineral to market, may be computed at TWENTY-FOUR MILLION OF DOLLARS! including the Schuylkill Navigation, Lehigh Coal and Navigation Company's works, Delaware and Hudson canal and rail-road, Morris canal, and the Pennsylvania canals, making an aggregate amount of funds embarked in the prosperity of the Coal Trade, of 32,540,000 dollars! without calculating the capital invested in the Lehigh, Lackawana and Susquehanna regions.

The saving in the price of fuel in the different cities since the introduction of anthracite, has been estimated by competent individuals, at six millions of dollars annually.

A report made by an intelligent gentleman, to the American System Convention, lately held at New York, expresses the belief that in ten years hence, the Coal Trade will employ TEN THOUSAND VESSELS in the coasting trade. This must be understood as involving the supposition that the coal trade will be left to its regular and natural course of development. It will be recollected that more than 1200 vessels were employed during the past year, in the business of transportation.

We are under the impression that the public abroad will be enabled to form some tolerable conclusions as to the value and importance of the coal trade, with the collateral improvements created and sustained by it, from the foregoing remarks and representations. This view of the liberal enterprize and industry of those who have identified their fortunes with the success of domestic coal operations, is rendered necessary by the present crisis. We would moreover state THAT NOT AN INDIVIDUAL MINER ENGAGED IN THE BUSINESS SINCE ITS COMMENCEMENT, HAS REALIZED A CENT OF PROFIT!—nor have any of the canal companies ever declared a dividend out of their profits, except the Schuylkill Navigation Company.

It is proposed to impose an ad valorem duty of 15 per centum on all importations of foreign coal. The price of coal delivered on board of a vessel at New Castle, in 1829, was \$3 10 per chaldron. The proposed duty would be about 46 cents per chaldron. The present duty is \$2 16 per chaldron, and the reduction would consequently be equal to \$1 70. The scarcity of coal during the rigors of last winter was a subject of general complaint, and occasioned much suffering among poorer classes in the northern cities. The efforts which are now making to guard against the calamitous effects of future scarcity, are on a more extended scale—more vigorously prosecuted—and will no doubt be fully successful if unmolested by unwise and impolitic legislation. But, on the other hand, if the contemplated measure is allowed to take effect, a total prostration of the domestic coal trade must inevitably follow.

THERE WILL BE ANOTHER AND A GREATER SCARCITY. They who are now so active in contributing supplies of the article, will be compelled to abandon their undertaking and seek other employment. Desolation and misery stare them in the face—their hopes of remuneration must be at once crushed—the only fruit of their early sacrifices and their former privations incident to the settlement of a solitary wilderness, will be the consciousness of having labored in vain.—*Miner's Journal.*

#### DOMESTIC SUGAR.

At this office, may be seen a beautiful specimen of Sugar, made from the sap of the sugar maple, by Mr.

B. RYNEARSON, of Muncy Creek township. It has been pronounced by judges, no wise inferior to the best imported sugar. Mr. R. has kindly offered to furnish us with a description of the process by which this article was made, which we shall be pleased to lay before our readers, as soon as it is received.—*Muncy Tel.*

### THE REGISTER.

MAY 19, 1832.

Much of the present number is occupied, (to the exclusion of the usual variety,) with the very interesting subject of the Bank of the United States. When the examination of the president was placed in the hands of the printer, it was not expected that the report of the minority would have arrived so soon—unwilling therefore, to postpone the latter, we have placed both in our present number. They are well entitled to a perusal and preservation. The replies of the president, furnish much information on the subject of banking, independent of their immediate relation to the institution over which he presides. The remainder of them will follow hereafter. We have now on file the report of JOHN Q. ADAMS, which will appear in our next number.

On Wednesday, the subscription books for the Girard Bank were opened at the Masonic Hall, and continued for three days. A scene of confusion and riot attended this operation altogether disgraceful to our city. It is high time, that some other mode was devised for conducting business of this kind; which, while it should afford a fair opportunity to all citizens to subscribe, would not endanger their lives, nor disturb the tranquility of the city.

The Conference of the Methodist Episcopal church—the State Convention of the Protestant Episcopal church—the General Assembly of the Presbyterian church—and the Synod of the Catholic church, are now, or have been during the week, in session in this city. It is estimated, that the members attending these different bodies, amount to 8 or 900—clergy and laity.

The proceedings of two or three meetings of Councils are on hand—which, though possessing more than usual importance, we are compelled, for want of room, to postpone. Plans have been submitted for the improvement of Water street, agreeably to the will of S. Girard; as also, for ornamenting Dock street, and the public ground at the Drawbridge. Indeed, the spirit of improvement seems to be pervading our city—new buildings rise in every part of it, with astonishing rapidity.

Connected with the proceedings of Councils, we would notice with satisfaction, their determination to SUBSCRIBE FOR THREE COMPLETE SETS OF THE REGISTER OF PENNSYLVANIA.

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# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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## UNITED STATES BANK.

### HOUSE OF REPRESENTATIVES.

MONDAY, May 14, 1832.

Mr. ADAMS, of the committee appointed on the 15th of March, 1832, to examine and report on the books and proceedings of the Bank of the United States, submitted the following

#### REPORT:

The subscriber, one of the members of the committee appointed on the 15th of March last, to proceed to Philadelphia to inspect the books, and to examine the proceedings of the president and directors of the Bank of the United States, and report thereon—and particularly to report whether the charter of the bank has been violated or not, dissenting from the report agreed upon by the majority of the committee, deems it his duty to submit to the House the considerations upon which his own conduct in the proceedings of the committee has been governed, and the conclusion to which they have brought his mind in relation to this subject.

It will be recollected by the House, that the appointment of the committee was made upon a resolution offered by the subscriber as an amendment to a resolution previously offered by the chairman of the committee. The amended resolution adopted by the House was predicated on the principle avowed by the proposer of the amendment, that the original resolution presented objects of inquiry, not authorized by the charter of the bank, nor within the legitimate powers of the House—particularly that it looked to investigations which must necessarily implicate not only the president and directors of the bank, and their proceedings, but the rights, the interests, the fortunes, and the reputation of *individuals*, not responsible for those proceedings, and whom neither the committee nor the House had the power to try, or even to accuse before any other tribunal. In the examination of the books and proceedings of the bank, the pecuniary transactions of multitudes of individuals with it, must necessarily be disclosed to the committee, and the proceedings of the president and directors of the banks, in relation thereto, formed just and proper subject of inquiry—not, however, in the opinion of the subscriber to any extent, which would authorize them to criminate any individual other than the president, directors, and officers of the bank or its branches—nor them, otherwise than as forming part of their official proceedings. The subscriber believed that the authority of the committee, and of the House itself, did not extend, under color of examining into the books and proceedings of the bank, to scrutinize, for animadversion or censure, the religious or political opinions, even of the president and directors of the bank—nor their domestic or family concerns—nor their private lives or characters—nor their moral, or political, or pecuniary standing in society—still less could he believe the committee invested with a power to embrace in their sphere of investigation, researches so invidious and inquisitorial over multitudes of individuals having no connection with the bank other than that of dealing with them in their appropriate business of discounts, deposits, and exchange.

In these views he felt himself the more confirmed, because he perceived no other course of inquiry that could be pursued, without invading the sanctuary of private life, and committing outrage upon the most precious of social rights. The transactions of the bank with their customers, are in the ordinary course of their business, highly confidential; an examination into them by strangers, so far as it implicates the individuals with whom the bank has dealings, bears all the exceptionable and odious properties of general warrants and domiciliary visits. The principle of this protection to individual rights, is recognized in the charter of the bank itself and in its by-laws. By the fifteenth fundamental article of the charter, a limited power is given to the officer at the head of the treasury department, to inspect the general accounts and books of the bank, with an express exception of the account of any individual, and in the by-laws of the bank, there is a provision that no stockholders shall be permitted to inspect any account of any person with the bank other than his own. The same restriction is not indeed applied to the authority given in the 23d section of the charter to the committees of either House of Congress appointed to inspect the books, and examine the proceedings of the corporation; but that section neither gave nor could give powers of judicial authority to be exercised over any individual for purposes of crimination or of trial. The committee are to inspect the books and examine the proceedings of the corporation, and to report thereon. But they are not authorized to examine or report upon the accounts or proceedings of individuals. The examinations by committees authorized by the charter, are from the context of the sections, evidently given as preliminary means, for bringing the corporation, in the event of mal-practice, on their part, real or suspected, before a judicial tribunal for trial—whenever a committee so appointed, reports that the charter has been violated, the final action of Congress in the case is limited to the discretionary power of directing that a *scire facias* should be sued out from the Circuit Court of the United States, for the district of Pennsylvania, requiring the corporation, to show cause why their charter should not be declared forfeited. But so justly and so wisely tender was the Congress which constituted the corporation to reserve to the president and directors of the bank the enjoyment of their civil rights, that the same section that gives to Congress this control over them, expressly provides that for the trial of the *facts* at issue between them and the United States, upon the return of the *scire facias*, they shall be entitled to the benefit of a *jury*. The corporation, therefore, cannot ultimately suffer by deprivation of their rights, upon the unfavorable report of any committee of Congress, nor even by the order of Congress itself, that a *scire facias* should be sued out. The protective shield of the constitution, *trial by jury*, is extended over them; the sacred trust of their franchises is expressly placed under the guardianship of that power conservative of all individual rights—the verdict of their peers.

In the present case, the resolution originally offered by the chairman of this committee, was avowedly presented for another purpose—not with a view that the final action of the House upon the result of the examination should be the direction that a *scire facias* should



be sued out to give the corporation the benefit provided for them by the law itself, of a fair trial by jury, but that by ransacking all the books and proceedings of the corporation from its first organization to the present day, some latent fraud, looseness, or irregularity, might be detected in the proceedings of the president and directors, present or past, of the company, which might be elaborated and wrought up into an argument against the renewal of the charter of the institution. This was the avowed purpose of a member claiming the right of being considered as a perfectly fair, cool, and impartial investigator of those proceedings, and, at the same time, that if the result of them should be to exonerate from all blame the responsible officers of the company, the inquisitor should still be at liberty to vote and speak against the renewal of the charter upon the ground of constitutional scruples.

It was only by virtue of the 23d section of the act of incorporation of the bank, that the House possessed the power of appointing a committee with authority to examine the books and proceedings of the corporation; and that section distinctly indicates the purposes for which this power was reserved. It was to furnish the means in the event of the commission of gross abuses on the part of the president and directors, *to put them upon trial*. The right of trying them is not reserved to the House itself—nor can it by the House be conferred upon any committee. It belongs exclusively to the Judicial courts. It is a familiar argument to many expounders of the Constitution of the U. S. that no power granted to Congress, can be exercised for any other purpose than that for which it was granted. The importance of this principle may be seen in the consideration that it is the only foundation of the argument against the constitutionality of a protective tariff. It is contended that a grant of power to levy taxes, duties and imposts, to pay the debts and provide for the common defence and general welfare, cannot justly be construed into a power to levy the same duties, taxes, imposts, and excises, for the protection of manufactures.

If there be any soundness in this principle, apply it to this reservation of power in either House of Congress to appoint investigating and examining committees on the books and proceedings of the bank. The power is reserved for the purpose of enabling either House of Congress to put the President and directors upon trial for delinquency—upon trial by the judges of the land—upon trial by a jury of the vicinage—It is not reserved for the purpose of enabling a committee of the House to ruin the president and directors in fortune or reputation, by a partial, prejudiced, electioneering report; condemning them as victims of political rancour, without law or justice; without judge or jury; nor is it reserved even to enable the House to determine the expediency of renewing the charter of the bank. The power is not reserved for that purpose; nor, if there be any soundness in the argument against the constitutionality of the protective tariff, can it be exercised for that purpose. In this view of the subject, the House would not even have possessed the lawful power of appointing the committee. The committee was appointed not for the purpose of putting the president and directors of the bank upon trial; nor was it intended by the mover of the resolution, that they should have the benefit of a trial by jury.

It is not the intention of the subscriber to press this course of reasoning; to which, in its application to the tariff, he does not yield his assent. To those who hold the doctrine that the purpose for which a power is granted forms an indispensable condition for the lawfulness of its exercise, he leaves the argument, to bear with its proper weight. But if under a power to appoint investigating committees, to ascertain by the verdict of a jury, whether the charter has been violated or not, a constructive power is given to sport with the feelings, and fortunes, and reputation of honest and honorable men, because they happen to hold the offices of president and directors of

the Bank of the United States, there is surely no authority given in the bank charter, to pry into the accounts and pecuniary transactions, and to scrutinize the fortunes and characters of thousands of individual citizens of the Union, merely because they have an account in bank, which in the examination of the books and proceedings of the corporation must accidentally be disclosed. The subscriber is under a deep and indelible impression, that no such power is given to Congress by the charter of the bank, nor does he believe that such a power can be exercised, without a flagrant violation of the principles upon which the freedom of this people has been founded.

It was under this impression that he moved the amendment, which received the sanction of the House, to the resolution originally offered for the appointment of an investigating committee. That amendment was carried by a considerable majority of votes in the house. The course of investigation pursued by the majority of the committee has, however, been not conformable to the principles of the resolution adopted by the house, but to those of the original resolution, which the house did not accept; a consequence which was naturally to be expected, from the circumstance that a *majority* of the committee was appointed from the *minority* of the house—that is, from those who had voted against the amendment *adopted* by the house.

The question of the principles upon which the examination was to be conducted, occurred immediately after the arrival of the committee at Philadelphia, and it was determined conformably to the view of a majority of the committee, representing, so far as the views of the house had been manifested, a minority of the house.

There was accordingly no restriction to the latitude of investigation, as it had been proposed in the original motion of the chairman of the committee. No objection was made on the part of the president and directors of the bank, excepting that the president did remind the committee of the confidential nature of the transactions between the bank and its customers, with the assurance of his reliance that it would be considered and respected. All their books, and all the accounts of individuals with the bank, called for by any member of the committee, were exhibited to them. Had there been a member of the committee thirsting for the ruin of a personal enemy, or a political adversary, and who, by this inquisition into the accounts of all who had dealt with the bank, could have been put in possession of facts, the disclosure of which might have destroyed his peace, his fortune, or his fame, the opportunity afforded him by this course of proceeding, would have been too inviting to have been resisted. That there was such a member upon the committee the subscriber does not affirm. The eagerness with which private accounts were sought for, and in an especial manner those of editors of newspapers, members of congress, officers of government, and all indeed possessing political influence themselves, or likely to suffer in public estimation, by exposure of their private and pecuniary concerns, flowed, it is to be presumed, altogether from patriotic principles, and a stern abhorrence of corruption. The natural and irresistible tendency of all investigations conducted on such principles, must be to substitute passion in the place of justice, and political rancour in the place of impartiality. In all times of party excitement, the members of the legislative assembly are placed in attitudes of keen and ardent opposition to each other. We have constant experience of the personal animosities into which all debates on questions of deep public interest are continually running. An individual member of this house, who presents himself in the attitude of an accuser, not only calls for the investment in himself of an extraordinary power; but if he prosecutes himself, the accusation claims the exercise of powers which in no general system for the administration of equal justice can ever be united. The spirit of the prosecutor, is not the spirit of the judge. Whoever voluntarily assumes the former



capacity, disqualifies himself for the unimpeachable performance of the latter.

During the present session of Congress, two instances have occurred of inquiries instituted into the conduct of executive officers of this Government—one bearing upon the second auditor of the treasury, and the other upon the commissioner of the general land office. In each of those cases, the member instituting the inquiry, moved its reference to a committee of which he was not himself a member. There was no law, nor even any rule of the House which imperatively required this; but the members themselves felt the delicacy of their situations, and of their own accord divested themselves of that invidious combination of character which unites the prosecutor and the judge. The prosecution of the bank has been the only exception to this course of proceeding. The chairman of the committee commenced his career as a prosecutor by exhibiting an indictment, so called by himself, of twenty-two charges against the bank. The bank is a corporation consisting of a president, directors, and company of stockholders. The bill of indictment, therefore, being ostensibly against *the bank*, seemed to be divested of personal animosity, and this, perhaps may have induced the chairman to lose the consciousness of incongruity in the exercise at once of prosecuting and of judicial powers. These observations are deemed indispensably necessary to elucidate the spirit in which the examination was conducted—partaking throughout of this unusual union of the prosecuting and of the judicial character. Among the charges exhibited by the indictment, not ostensibly against any individual, but against *the bank*, was one of *subsidizing the press* by special favors and accommodations to editors of newspapers—another, for special favors and accommodations to members of congress. In all this the chairman of the committee appears to have entertained the opinion that because the charges were in form against *the bank*, they were not all to be considered as affecting the integrity of the *persons* upon whom they might chance to fall. He frequently disclaimed all intention of putting upon trial the *character* of the president of the bank, and he appears to have been quite unaware upon whom his denunciations might eventually be found to descend. The subscriber believed that there was a great want of precision in the definitions by the chairman of the committee in his original motion, of the crimes which he denounced. Take, for example, the charge of *subsidizing the press*. If a violation of the law be an essential ingredient in the composition of crime, there was no law which prohibited the bank from subsidizing the press—nor was there any law which prohibited the president and directors of the bank from affording facilities and accommodations to editors of newspapers.

On the other hand, there is perhaps, no class of citizens in the community, who, by the nature of their profession, may more frequently need the aid of bank facilities, or to whom they may be more signally useful, and in proportion to the extensiveness of a printing establishment, will of course, be the amount of the accommodations which they may require. Why then should *the bank* be laid under an interdiction for subsidizing the Press? Why then should the president and directors of the bank be chargeable with gross and palpable corruption, because large accommodations and facilities, in the regular course of banking operations, have been afforded to editors of newspapers? There appears to the subscriber to be included in the principle of this charge a very dangerous assault upon the freedom of the press. A principle proscriptive in its nature, and the application of which, if once assumed by the authority of the Legislature, could be successful only in reducing the press to servile subserviency to whatever party might command a momentary majority in the two Houses of Congress. The editors of newspapers are not responsible to Congress for the political principles which they may advocate or oppose. Nor can the legislature take

eognizance either of their consistency or of their political purity. They are responsible for their opinions to their subscribers and to the public opinion of their country. To hold them to this responsibility, their rivals, and competitors, and political adversaries, are sufficiently watchful, and sufficiently armed. The opinions and interests of majorities in Congress will never lack for presses to sustain themselves. But if, in addition to that common interest of the majority and of their favorite presses in the competition for public favor, they are to assume censorial power to punish or to stigmatize the editors who support the interests of the minority; in what does this differ from an *imprimatur* in the hands of the governing power—an engine for the suppression of all freedom of the press, as well as for the oppression of every editor, whom it may suit the purposes of the predominant party to discredit or destroy.

Entertaining these opinions, and believing that the principle on which they were founded had been sanctioned by the House itself in the resolution, as adopted, for the appointment of the committee, the subscriber did earnestly, though ineffectually, resist and oppose the call by the committee for the accounts with the bank of *editors of newspapers*. To all persons of that highly respectable and important profession, their accounts in bank were, as well as to other members of the community, their private and domestic concerns, which no power to examine the books and proceedings of the bank could authorize a committee of this house to expose to public gaze. To single out the editors of newspapers for this invidious exposure was, in the opinion of the subscriber, to disfranchise them of their rights as citizens and as men, and was to assail them in their reputation, their interest, and their credit. Not for the purpose of bringing them to trial by jury, where they might defend themselves, their fortunes, and their characters, in presence of their peers, but to hold them up as accomplices in corruption with *the bank*. To accomplish two objects by one operation—to defame the bank by colorable charges of corruption, which it would never have an opportunity to repel by a fair trial, according to the laws of the land—and to defame any editor of a newspaper having an account in bank, whose politics might be opposed to a majority of the committee, instigated by the rivalry and hatred of antagonist editors of other newspapers in the same city, or neighborhood.

The majority of the committee did, the subscriber doubts not, with pure intentions, otherwise decide, and the accounts of editors of newspapers with the bank were called for. In reviewing this decision, and the proceedings of the committee subsequent upon it, he deems it his duty to declare, that none of his objections to it have, in his judgment, been removed. He views it as a precedent of portentous evil; as an unjustifiable encroachment of arbitrary authority upon the freedom of the press; as an odious persecution of individual citizens, to prostrate the influence of personal or political adversaries, by the hand of power.

Of the class of accounts thus produced, those of one newspaper establishment only underwent the investigation of the committee. Those of James Watson Webb and Mordecai M. Noah, editors of the New York Courier and Enquirer, one of the most distinguished and extensively circulated journals of the Union. Mr. Webb was examined upon oath by the committee at his own request. Mr. Noah transmitted to the committee his own affidavit, made before a magistrate of the city of New York. Mr. Silas E. Burrows, a private citizen, not an editor of a newspaper, but connected with the responsibilities of Messrs. Webb and Noah in the bank, was subpoenaed to appear before the committee, but as the subscriber believes, with a just estimate of his own rights, did not give his attendance. No proposal was made in the committee to issue a compulsory process against him. As editors of a public journal, and in that



character as guardians and protectors of the freedom of the press, the subscriber is of opinion that neither Mr. Webb nor Mr. Noah ought to have appeared in person or by affidavit, before the committee. If in their transactions with the bank they had committed any violation of law, they could not be examined as witnesses to criminate themselves: if they had committed no violation of law, the inquisitorial powers of the committee did not extend to them. Their transactions with the bank, unforbidden by the law of the land, were no more within the lawful scrutiny of the committee, than the dwelling-house, the fire-side, or the bed-chamber of any of them. These, even in the darkness of heathen antiquity, were the altars of the household gods. To touch them with the hand of power is profanation. Assailed, however, in reputation, as they already were, and had been, on account of these transactions, by their political enemies and the enemies of the bank, from false and exaggerated rumors concerning them which had erept into public notice, it was certainly not unnatural, and perhaps not improper in them, to state in full candor and sincerity, what their transactions with the bank had been.

From these it appeared that in August, 1831, James Watson Webb obtained at the Bank of the United States a loan of twenty thousand dollars upon his own note, endorsed by Mordecai M. Noah.

The application for this loan, made in person by Mr. Webb, was sustained by a letter from Mr. Noah, and sundry statements relating to the pecuniary condition and credit of the New York Courier and Enquirer. The letter from Mr. Noah was enclosed to the president of the Bank by Walter Bowne, Mayor of the city of New York, who had been one of the earliest directors of the bank, with a recommendation of the application itself, to be considered as a *business transaction*. It was so considered by the board of directors who acceded to the loan desired. But the editors of the Courier and Enquirer had long been, as they still are, ardent and active political partizans, and their newspaper has been, and continues deeply immersed in that portion of political affairs immediately connected with elections. The peculiar character sustained by the paper and its editors, at the time when this application for a loan was made, was that of devoted friends to the present administration, and particularly to the eminent citizen at its head. This character they and their paper still retain. They have, of course, numerous adversaries of the opposing party, and numerous rivals in their own. Sometime before this application for a loan from the Bank of the United States, there had been between them and some of their competitors for party and public favor, a newspaper war, with regard to the conduct of their journal and the opinions of its editors with reference to the Bank of the United States. In all this the interests of rival printing offices, and rival banks, may without breach of charity, be presumed to have been very willing auxiliaries to editorial virtue and the unsullied purity of the public press. The politics of the paper had been, or were thought to have been, successively hostile and friendly to the Bank of the United States. In this state of things, it is stated by Messrs. Webb and Noah, that two or three of the banks, in the city of New York denied them the accommodation of loans which they had previously yielded, and refused to discount for them paper of unquestionable credit. They affirm that these city banks, in punishment of their friendliness for the Bank of the United States, withdrew from them facilities previously extended to them, and required the repayment of a large accommodation loan for which they were indebted. To discredit these imputations, re-affirmed by Messrs. Webb and Noah, in their testimony upon oath before the committee, a majority of the committee deemed themselves authorized to send a commission and request the presidents of the two city banks in New York, to make affidavits before a magistrate, giving notice thereof to Messrs. Webb and Noah, and to transmit those affidavits to the chairman of the committee at

Washington. The depositions of Isaac Wright, President of the City Bank, and of Albert Gallatin, President of the National Bank, at New York, were accordingly taken and transmitted to the chairman of the committee. They did not in the slightest degree impair the testimony of either Mr. Webb or Mr. Noah. On the contrary, they confirmed, so far as they could confirm, that part of the evidence which it had been the purpose, in requiring the affidavits from the two N. York banks, to invalidate.

They proved that at both of those banks, in July, 1831, notes offered for discount by James Watson Webb, with an endorser of unquestionable credit, were rejected. The reasons of those rejections, both the Presidents of the Banks, with great propriety, declined to give. They state that at one of the banks no note is discounted, if objected to by any one member of the Board of Directors. At the other Bank, any note is rejected to which two of the Directors concur in objecting, and that no Director is required to assign any reason for his objection to any discount. In these answers of the two Presidents, the subscriber cannot forbear to remark a demonstration of the impropriety of the call by the Committee upon those gentlemen for their testimony in this case. The object of the call was to impeach the truth of the testimony given by the two witnesses, Webb and Noah, upon oath before the Committee—witnesses whose veracity stood as fair before the Committee as that of any other citizen of the community, and who, in the opinion of the subscriber, could consider the call itself on the Presidents of the New York banks, to contradict them, in no other light than of a gratuitous and wanton insult upon themselves. Of the fact that notes offered by Webb had been rejected at the N. York banks no doubt was or could be entertained. The reasons of the rejection were avowedly inferences of Mr. Webb and Noah, which might even have been incorrectly drawn by them, without impeachment of their veracity. The Committee could not, in the opinion of the subscriber, possess the right of calling upon the Presidents of the New York banks for the reasons of their refusing discounts to James Watson Webb, or to any other man. The call itself was a violation of individual right, and the refusal to answer it, though in terms entirely respectful and dispassionate, carries with itself a censure upon usurped authority, not undeserved.

To this call upon the presidents of the New York banks, the subscriber had another objection. The chairman of the committee had, by an act of Congress, authority to administer oaths to witnesses, and the committee had received from the House, authority to send for persons and papers. But the subscriber did not consider the committee as possessing the power of delegating to other men authority to take depositions from persons whom the committee were authorized to call before themselves, and to hear in person. No member even of the committee, other than the chairman, was authorized to administer an oath. To administer oaths to witnesses was in the competency of the chairman specially authorized by statute. To send for the persons and papers existing, was in the competency of the committee, authorized by the House. But to direct to be taken, and to receive as testimony depositions of persons whom the committee might have summoned to appear and testify before themselves, was, as the subscriber believed, to transcend their lawful authority, and to set a precedent which would lead to most pernicious abuses. This encroachment of power could not be justified by the request of the chairman of the committee to the deponents, that James Watson Webb and Mordecai M. Noah, the persons whose testimony it was supposed these depositions would discredit, should have notice of the time and place, when and where they should be taken. To give notice of a deposition to be taken to impeach the testimony of another is the duty of a party to a cause, and not of the deponent himself. The witness whose testimony is to be discredited cannot be bound to re-



ceive a notification from the witness called to discredit him. The volunteering of a committee to send forth mandates in search of contradictory evidence, to fasten imputation of perjury upon witnesses of veracity, before them unimpeached, has, in the view of the subscriber, an aspect too unjust and odious in itself to be legitimated by any notice given to the witnesses thus outraged in their feelings and their rights. The whole procedure was, in the opinion of the subscriber, unlawful and unjust. He recorded against it his vote upon the journal of the committee; and he deems it his duty to repeat his protestation against it in this report.

But whatever may have been the true state of the relations between Messrs. Webb and Noah, and the local banks of New York, it was with these statements and allegations that Mr. Webb, in August 1831, applied to the president and board of directors of the Bank of the United States, for an accommodation loan of twenty thousand dollars. The president and directors considered it as it had been viewed in the recommendation of the Mayor of New York—as a *business transaction*. Yet, it did not escape their attention that a political coloring might, and probably would be liable to the charge of a favor dispensed, to purchase the aid and support of the newspaper, in behalf of the bank; and if it should be denied, it would be charged as proof of hostility to the administration of the General Government and its chief. Sure that they could in no event escape the censure of enemies predisposed to blame, they granted the loan, to which, afterwards, in December, an addition of fifteen thousand dollars was made. Notes of Mr. Webb, endorsed by Mr. Noah, and payable to Silas E. Burrows, had been previously discounted for Mr. Burrows, but without the knowledge of Webb or Noah, as they testify, to the amount of seventeen thousand dollars. Of these sums so much has been paid, that there now remains due from Messrs. Webb and Noah, to the bank, a sum of about eighteen thousand dollars, payable in semi-annual instalments, and from the statements laid before the committee, believed by the subscriber to be as safe as any other debt upon the books of the bank.

The transactions of James Watson Webb and of Mordecai M. Noah, with the Bank of the United States, formed, in the opinion of the subscriber, no proper subject of examination by the committee, or of investigation to the House, further than to ascertain, whether, in those transactions, there had been any violation of the law of the land. Within the pale of the law, if this be a Government of laws, and not of men, Webb and Noah were not amenable for their conduct, or their opinions, to the House of Representatives of the United States, or to any committee by them appointed.

In behalf of the United States, as large stockholders in the bank, a general superintendence over the proceedings of the president and directors of the bank, is, no doubt, vested in the Congress. But the subscriber does not believe that the president, or any director of the bank, is, or can be accountable, to a committee of either House of Congress, or to the House itself, for the motives or reasons upon which he acceded or objected to any one discount. The practice of all well-regulated banks is, and must be, that declared by the testimony of the presidents of the two banks in New York to be theirs. The *reasons* or *motives* for accepting or rejecting a note offered for discount, are not subjects of inquiry at the board itself. The reasons of each director are in his own breast. His own colleagues at the board have no right to inquire into them. They are in his own discretion.

It is indeed within the bounds of possibility, that this discretion should be abused to the injury and damage of the stockholders. But in the transactions of the bank with Webb and Noah, no loss or damage has occurred to the stockholders, nor is any to be apprehended. In the original charges presented to the House by the chairman of the committee, there was one of *subsidizing the*

*press*—and these accommodations to Messrs Webb and Noah were understood to be among the most prominent exemplifications of that nameless crime which an investigation of the affairs of the bank would disclose to the world. It would happily be a fruitless search to find in the criminal code of this Union, or of any one of its constituent States, such a crime as *subsidizing the press*. When the charge was first brought forward by the chairman of the committee, in the House, it was impossible to ascertain of what overt or covert acts this offence, thus novel and undefined, consisted; nor, except in the proceedings of a majority of the committee, can the subscriber yet comprehend what are the elements of this new and still undefined offence. The majority of the committee, immediately after entering upon the discharge of their duties at Philadelphia, commenced a search into all the accounts with the bank, of *editors of newspapers*. In the returns to this demand, it was found that Webb & Noah, far from being solitary culprits in this unheard of transgression, were in the very respectable company of the editors of the National Intelligencer, of the National Gazette, of the United States Telegraph, of the Globe, and of the Richmond Enquirer. This information was scarcely in the possession of the committee before it found its way into the public journals, and thus all the editors of those well known prints stand, by an exhibition of their private accounts, charged before the public as conductors of presses *subsidized by the bank*. The committee did in no other instance than that of the New York Courier and Enquirer, go into an investigation of the reasons or motives for which the discounts or the loans had been granted. Political motives were unequivocally and explicitly disclaimed by the president and directors, who assented to the loans; and while in this, as in all other banks, the practice is uniform of never assigning the reasons either for discounts or rejection, they are not and cannot be made subjects of testimony. Every member of the board has his own reasons, which may not be known to any other member. One member, therefore, is not responsible for the reasons of any other member; nor is the board responsible for the reasons of any one of its members. Motives can be made a subject of scrutiny only upon suspicions—political suspicions, sharpened by the collisions of personal pecuniary interests.

The subscriber believes all inquiry into the motives of bank facilities or accommodations, to be not only pregnant with injustice to individuals, but utterly beneath the dignity of the Legislature. Their rights of inquiry are commensurate with the law. For actions within the bounds of law, to scrutinize motives, is tantamount to an inquisition of religious opinions—a species of moral and intellectual torture, fitted more to the age of Tiberius Cæsar at Rome, than to the liberal spirit of the present time. The discount of notes at a bank, whether to a large or small amount, can in no case be considered as donations or gratuities. They are contracts of mutual equivalents for the benefit of both parties, in which the bank is no more the benefactor of the customer than the customer of the bank.

As the period of time is approximating at which the present charter of the Bank of the United States is to expire, the question, with regard to the renewal of its charter, has become an object of great and increasing public interest. The duties of the president and directors of the bank, to protect and promote the interests of the stockholders naturally, make it an object of intense and earnest desire to them. Independent of all personal and individual interests of their own, these obligations to the company require of them to use all fair and lawful means to obtain a renewal of the charter. Were it even true that under these circumstances, they should indulge a disposition to the utmost bounds of liberality, consistent with justice and discretion, to one or more eminent editors of public journals, but extending only to discounts of their papers, at the regular remunerating interest, at the rate of six per cent. interest by the year,



is this to be construed into corruption or converted into a bribe? In every state in the Union there is a large capital of its citizens invested in stocks of multiplied state banks. Most of these are rivals in business with the Bank of the United States, and they have all boards of directors, and most of them are collegued with newspapers, all eager for the destruction of the Bank of the United States. An institution doubly obnoxious to the system of safety fund banks in the state of New York; inasmuch as their discounts, at the rate of six per cent. a year, curtail one per cent. of the dividends which otherwise, by the laws of New York, they would be enabled to levy upon the community. It is, therefore, not surprising, that in the city, and even in the state of N. York, that animosity against the Bank of the United States, of almost all the local banks should have been so great as even to spread its influence into the legislature of the state. The same operation is active under feebleness of excitement in many other states. These are not bribes. But the concert of opposition from state banks, in almost every quarter of the Union organized with harmonious energy, in concert with public journals, perhaps as numerous, and constantly operating upon the public mind unfavorably by means of the press, made it indispensably necessary for those to whom the welfare of the corporation was intrusted, to defend themselves occasionally, and from time to time in the same manner.

If, while hundreds and thousands of the conductors of state banks, impelled by private and personal interests, are filling the popular public journals under their influence, by means of discounts and facilities granted or withdrawn, with every change that suspicion can conceive, or imagination can invent, to invoke popular resentment and indignation against the Bank of the United States, to prevent the renewal of their charter, the president and directors of the Bank of the United States, are forbidden all use of the public press, for the defence and vindication of their own institution, they stand indeed in fearful inequality of condition with their adversaries before the tribunal of public opinion. The local banks of N. York, for example, grant, with lavish hand, bank accommodations and facilities to the editor of a daily newspaper, who fills his columns with all the common-places of vituperation against the Bank of the United States. They deny all facility and accommodation to another editor, who admits into his paper essays or communications favorable to that bank. Does the editorial votary of state banks, and seven per cent. interest, slacken his fervor? his discounts at the state banks are curtailed: Does he falter in his zeal? a pressure for money comes upon the state banks, and his notes are called in. Does he dare to admit into his paper a communication favorable to the mammoth bank? he loses all credit with his old bankers. Does he presume to hint, in an editorial article, that, after all, a bank bound to discount at the rate of six per cent. interest, may be of some advantage to borrowers in a community, where the established legal rate of interest is seven? he becomes at once, in the estimation of the local bank directors, insolvent, and blasted in credit, and, if he offers for discount, a note of a hundred dollars, with the best endorser in the city, it is rejected by the silent vote of one or two directors, because the editor's newspaper did formerly oppose, and now ceases to oppose, the re-chartering of the Bank of the United States. And then, if the editor, cramped and crippled in his business by the screw thus put on his press, to save himself and his establishment from ruin, applies to the president and directors of the Bank of the United States for an accommodation loan? No—they too must regard him as insolvent, and blasted in credit—they too must withhold all banking accommodation and facility from him, though recommended by the Chief Magistrate of the city of New York himself, or they will be guilty of the atrocious offence of *subsidizing the press*.

This statement of facts is here *hypothetically* put—it is not intended to charge the presidents and directors of

the New York city banks with any such motives for granting, or for withholding their discounts. The subscriber not only approves, but was gratified, at their refusal to assign their reasons for declining to discount the notes offered by Mr. Webb. Had the question been asked them *why* they *had* discounted the notes of the same person before, their answer must have been the same. The acceptance of an offered note, is, by unanimous and tacit assent, without assignment of reasons, and for which the reasons of one director are not necessarily the reasons of another. They are not proper subjects of inquiry, so long as the discount is in violation of no law. And this principle is equally applicable to the president and directors of the Bank of the United States. They are amenable to authority only for conformity to the law. To the stockholders they are further accountable for the prudent and discreet employment of their funds. But, while the result of that management has been, for a series of years, to yield, to the stockholders half-yearly dividends, of three and a half per cent. upon their investments, while the stock of the bank, is at twenty-five per cent. advance upon its original cost in the market; and whilst the heaviest of all the complaints against the bank is the extensiveness and universality of its credit, the subscriber believes that the stockholders, and the most vigilant guardians of their interest, may wait until an actual loss shall have happened upon any one loan or discount, before they shall be justified in imputing either thriftless improvidence, or sordid corruption, to the president and directors of the bank for having granted it.

The constitution of the United States denies to Congress itself the power of pressing any bill of attainder, *ex post facto* law, or law abridging the freedom of the press. But here is a new fangled offence created *ex post facto*, under the denomination of subsidizing the press, to operate as a bill of attainder upon the bank, and as a disfranchisement to every editor of a public journal who may happen to be obnoxious to a political party in power. The fact constituting this most extraordinary crime, is the mere existence of a loan, or discount of the proscribed editor at the bank: a transaction entirely warranted by law, but in the consummation of which a committee of one branch of the legislature first assumes the right of scrutinizing, and then of passing sentence of condemnation upon the motives of both parties to the contract. As there is no law constituting the offence, the degree of its malignity has no rule of proportion but that of the temper by which it is prosecuted; it will be aggravated by every stimulant of private pique of clashing interest, or political prejudice, or of morbid suspicion, which can be enlisted in the prosecution. A committee man, being a large stockholder in a state bank, to be deeply benefitted by the extinguishment of the bank of the United States; another, not linked in connection with a newspaper establishment in competition with the editor to be attained; a profound political economist, wedded to a system of coin, currency, and credit, propitious to one banking interest, and unfavorable to another; a mere partizan hanging upon the skirts of a political candidate, and following the camp to share in the spoils of the victory, might all club their inventive faculties to swell this imaginary trespass into a felony—and seldom would there lack as an ingredient in the composition, the corrosive sublimate of a malicious temper, with instinctive hatred of all honor and integrity, prone always to infer actual fraud and villainy from the mere possibility of its existence, and even to insinuate corruption, without daring openly to affirm it. These are consequences which must and would follow from the sanction by Congress, or either of its Houses, of the principle that the accounts of editors of newspapers, as a separate class of men, with the bank are to be scrutinized by a committee of Congress, as tests of the political opinions or doctrines for their editorial columns—or indications of the candidate to the presidency, to whose banners they adhere—or defeat the re-



chartering of the bank, by deducting from the same naked fact of existing loans, large or small, the dishonorable conclusion, that the *motives* of the president and directors of the bank, for granting these loans, were to purchase the support of the borrowers, by bribery and corruption.

But let it, for argument's sake, be admitted that the accommodation of a loan to the editor of a public newspaper, by the president and directors of the Bank of the United States, is, on their part, an act of corruption of which the Congress of the United States, without doing injustice, and without derogation from the dignity of their duties, can take cognizance, the subscriber believes that it cannot justly have any bearing whatever, upon the question whether the Bank of the United States shall or shall not be re-chartered.

Admit that, in a country where the freedom of the press is among the first elements of the liberty of the people, a committee of one House of Congress has a right to constitute *ex post facto*, a crime under the name of subsidizing the press, of that, which in the eye of the law of the land, is, and always has been *innocent*—Admit that they have power to search into the hearts of the president and directors of the bank for dishonest motives to lawful actions—Admit that they have a right to interrogate them for reasons which no director of any bank is ever bound to give.

Admit, that after the president and directors have submitted to these insulting interrogatories, and assigned the reasons by which they were actuated, the committee should still feel themselves justified in groping day after day, for substantial evidence, to falsify the frank and explicit declaration of men without a slur upon their fame—That piles of folio volumes, of bank accounts, should be rummaged over, nights and days, for a variety in the color of ink, in entries made by different clerks, with different inkstands, for errors in the spelling of a name, for interlineations and erasures in a waste-book or a Tickler, and all to substitute trifles light as air of *suspicion*, in the place of fact, and to *impute* fraud, forgery and perjury where they cannot be proved—Admit that the unsullied characters of men, long known among their fellow-citizens, for lives without fear and without reproach, may be thus breathed and whispered into disgrace—What has all this to do with the question, whether the Bank of the United States shall receive a new charter or not? If the president and any number of the directors have been guilty of *malversation* in their offices, the remedy for their offence is *removal* from office. They may be further responsible to the stockholders in their persons and property.

The directors appointed by the President and Senate are, at all times removable by the President of the United States alone. The president of the bank is every year liable to removal, both as president and director, by failure of re-election as a director by the stockholders, or as president by the directors. No other director can be re-elected more than three successive years in four. If the board of directors have been guilty of neglect or violation of their duties, the punishment of their delinquency is to appoint another set of directors in their place; not to punish the innocent and injured stockholders by refusal to renew the charter. By the rotation prescribed in the charter itself, not one of the present board of directors can remain in office at the time of the expiration of the charter, nor can the present president of the board ever be president of the bank under the renewed charter, but by the suffrages of the stockholders, according to their respective privileges of voting. If, therefore, any misconduct had been discoverable in the official conduct of the president of the bank, the proper punishment for it would have been his removal from office; and the same may be said of any other of the directors. But for *their* faults, to punish the stockholders who had no communication or privity with them—for *their* errors, to deprive the

great mass of the community of the benefits and advantages secured to them, and enjoyed by them through the instrumentality of this great institution over this whole Union, would proceed from a theory of crimes and punishments unrivalled by the political inquisition of Venice, or the religious inquisition of Spain. A theory by which the crime would be committed by one set of persons, and the punishment inflicted upon another—a theory by which the stockholders would be mulcted in their property, because the directors had been faithless to their trust, and the people bereft of public blessing, because the confidence in the integrity of their agents had been betrayed.

At the close of the long commentary of the majority report, upon the transactions between the editors of the New York Courier and Enquirer, it is observed, that, among the documents exhibited to the committee, and reported to the House, are four other cases of loans at long credit, made by the bank. The report neither mentions the names of the individuals, parties to those contracts, nor the correspondence and testimony relating to them, which were laid before the committee. The subscriber, approving the discretion of the majority, in this particular, will not deviate from the example set in the report. He will barely take occasion from it to remark, that the names of those individuals, and of their accounts and transactions with the bank, cannot be brought before the public by the committee, without gross injustice. Those transactions, he is bound to believe, were perfectly justifiable in all the parties to the contract; but he was under a full conviction that neither he, nor the committee, had the right to inquire into them, whether for justification or for censure. The objection of the subscriber is to all inquisition into motives, for actions unforbidden by law. But in each of these four cases—in those of the accounts of every editor of a newspaper, of every member of Congress, and of every person connected with the Executive Government—if the fact of the individual account is exhibited to the public, it is, upon the plainest principle of justice, the right of the individual to have alike exhibited to the public, all the circumstances connected with the transactions which he may deem essential to his justification. But what is that justification? Is it justification limited by the boundaries of the law? No: that is not sufficient. The account in bank must be coupled with the conduct and opinions of the individual, to point the finger at him and at the bank as for dishonorable conduct and corrupt purposes. So it was in the case of James Watson Webb and of Mordecai M. Noah. Why was it not so in other cases? Why are the names of other printers, and the amount and the aspect of their debts to the bank, as principals or as endorsers, withheld? Why are other editors, having large accommodations in the bank, the names of their endorsers, the character of their settlements, the present state of their engagements, and a contemporaneous exposition of their editorial friendship, or hostility to the bank, not set forth in all the developments of the bank debts and editorial speculations of James Watson Webb and Mordecai M. Noah?

Why are not the day of an editorial discount and the day of an editorial puff of panegyric, or blast of abuse upon the bank, brought in juxtaposition to each other, so that *suspicion* may yoke them together in the relation of cause and effect, in any other case than theirs? The subscriber believed that there were other accounts of editors and printers with the bank, exhibited to the committee, which, compared with editorial lucubrations in the newspapers, of the same editors at the same time with the discounts, or at the present day, would suggest reflections quite as edifying to the spirit of reform, as the debts and dissertations of James Watson Webb and Mordecai M. Noah. The majority report has buried them in oblivion. There let them remain. The subscriber will not disturb their repose. But he asks of the candor of the community, and of the self-re-



spect of the House, representing the feelings of the people, that no more legislative investigations may be instituted at the expense of the nation, under color of an examination into the books and proceedings of the bank of the U. States; into the political purity and undeviating consistency of the conductors of the public press.

It is with great satisfaction, that the subscriber declares his entire and undoubting conviction, as the result of all the examination which, under the resolution of the House, and the unbounded range of inquiry sanctioned by the majority of the committee, he was able to give the books and proceedings of the bank, that no misconduct whatever, is imputable to the president, or to any of the present directors of the bank. That, in the management of the affairs of this immense institution, now for a series of nearly ten years, occasional errors of judgment, and possibly of inadvertence, have been committed, is doubtless true—in the vast multitude of relations of the bank with the property of the whole community, the board of directors of the Parent Bank, or of some of its branches, have sometimes mistaken the law, and sometimes have suffered by misplaced confidence. A spirit of predetermined hostility, uncontrolled by a liberal sense of justice, prying for flaws, and hunting for exceptions, may gratify itself, and swell with exultation at its own sagacity, in discovering an error or arguing a misconstruction of the powers. In the conduct of the present president and directors of the Bank of the United States, no intentional wrong, and no important or voluntary error has been committed. He deems this declaration due from him to those worthy and respectable citizens, in the face of this House and of this nation, willing as he is to abide upon it the deliberate judgment of after times. He deems it the more imperiously required of him as a signal vindication of the honor and integrity of injured and persecuted men. It has been impossible for him to observe, without deep concern, the spirit and temper with which this investigation has been prosecuted particularly with regard to the president of the bank. As one example of which, he would call the attention of the House to the testimony of Reuben M. Whitney—to the manner in which it was produced, and to the catastrophe in which it terminated.

On the 2d of April, the chairman of the committee asked of them, authority to issue a subpoena to summon the attendance before them of Thomas Wilson, heretofore, in the year 1824, a cashier of the bank, to testify as a witness. The subscriber inquired what it was expected Mr. Wilson would prove, which question the chairman declined to answer. The subscriber objected therefore to the issuing of the subpoena, and the motion for it was for that day withdrawn.

The next day it was renewed, with a statement in writing by the chairman of several allegations, as the subscriber conceived, amounting to charges against the president of the bank, of embezzlement of the monies of the institution. The subscriber inquired from whom these charges had been received, which the chairman declined to state. The subscriber moved that a copy of the charges should be furnished to the president of the bank. But the paper was withdrawn by the chairman, and a resolution was substituted in its place, which was entered upon the journal of the committee. The objection of the subscriber to this course of proceeding was, at his request, entered upon the journal, and at the request of the chairman an entry was also made of the grounds upon which he deemed his own course in this respect justifiable. The objection of the subscriber was, not that the chairman had thought proper to listen privately to secret informers, but that he required the action of the committee for a call of testimony deeply affecting the moral character of the president of the bank, and yet withheld from the committee the name of his informant. The subpoena to Mr. Thomas Wilson was nevertheless issued. The charges against the president of the bank were, that Thomas Biddle, a dis-

tant relative of his, and one of the most eminent brokers of Philadelphia, had *been in the habit*, by permission of the president, of taking money out of the First Teller's drawer, leaving in its place certificates of stock; of keeping the money an indefinite number of days, and then re-placing the money, and taking back his certificate of stock, *without payment of interest* upon the moneys of which he had had the use. The quintessence of the charge was, the use by Mr. Thomas Biddle of the moneys of the bank without interest. And there was another charge, that the president had also been in the habit of making large discounts upon the notes of Thomas Biddle without consulting the directors, between the discount days, and that the notes were entered as of the previous discount days.

Mr. Wilson's testimony completely disproved, so far as his knowledge went, both these charges. He had never known a single instance in which Mr. Thomas Biddle, or any other person, had ever been permitted by the president of the bank to use the moneys of the bank without payment of interest. He had never known a discount of a note of Thomas Biddle by order of the president of the bank, without consulting the board of directors or the committee duly authorized to discount. Mr. Wilson had been removed in a manner as inoffensive to his feelings as possible, from his office of cashier of the parent bank in 1824, by being first transferred to the branch at New Orleans, from which he was also afterwards removed. Previous to his removal from the bank at Philadelphia, the personal intercourse between the president of the bank and him had not been altogether harmonious. He had hinted to Mr. Reuben M. Whitney, a director then secretly unfriendly to the president, and to Mr. Paul Beck, a director particularly friendly to himself, that he thought the president had too much influence over the board of directors, and had spoken with disapprobation of the fact, that Mr. Thomas Biddle had occasionally received discounts upon transferred stocks, with checks, which, at the end of an indefinite number of days, were taken up and the cash returned, with regular payment of interest, as upon discounted notes. The checks being entered in the books under the head of bills receivable. Several cases of this kind had occurred in the months of May and June 1824. Mr. Wilson's testimony was very clear and explicit to the integrity of the president of the bank, and it was totally contradictory to the statements which the chairman had framed into charges from the private information which he had received, and the name of the informer of which he had declined giving to the committee. But Mr. Wilson had named Mr. Paul Beck and Mr. Reuben M. Whitney, two of the directors of the bank in 1824, and to whom he had incidentally communicated his slight discontents at the period immediately before his removal.

Mr. Beck and Mr. Whitney were summoned to appear and testify. The character and respectability of Mr. Beck are so universally known at Philadelphia, that all remark upon them would be superfluous. He had been a director of the bank in the years, 1824, '25, and '26, and again in the years 1828, '29 and '30, and of course not only at the time alluded to by Mr. Wilson, but for five of the years which have elapsed since then, and till within less than two years past. Mr. Beck remembered the communications made to him by Mr. Wilson, shortly before his removal, and had thought them to proceed from irritation.

He had seen no cause to doubt the correctness of the official conduct of the president, and has retained his perfect confidence in it unimpaired to the present day.

The testimony of Mr. Whitney was of a different character. This person had been a director of the bank in the years, 1822, '23 and '24, and a very active member of the board. He was a native American, but from the year 1808 to 1816 had been a resident in Montreal in Canada—during the war, by permission of the British government, on his taking an oath to obey the



laws of the country, which he did not consider as an oath of allegiance—but he had not asked or received the permission to remain in Canada from his own government. About a year after the expiration of his services as a director of the bank, he failed in business. Of his present standing in the community, no evidence was taken by the committee.

The story that Mr. Whitney told on his first examination was, that some time in 1824, Mr. Wilson and Mr. Andrews, then cashiers of the bank, had mentioned to him certain transactions in the bank in which T. and J. G. Biddle were concerned, which they were not willing should exist without some member of the board being informed of them. Upon his inquiring what they were, they replied that T. & J. G. Biddle had been in the habit of coming to the bank and getting money, and leaving certificates of stock, which represented it in the first Teller's drawer, *without paying interest*, and without being entered on the books. That they had also stated that the Messrs. Biddle had had notes discounted for them by the president which were entered on the books of the preceding discount-day: that upon Mr. Whitney's asking them what sums there were of the kind in existence at that time, they went with him to the first Teller's drawer, and found one sum of 45,000 dollars, dated 25th May, and one for 24,000, dated 26th May: that they then went to the discount clerk's desk, and found one note at 15 days, dated 13th May, for 20,000 dollar, of T. Biddle, and one note of Charles Biddle, dated 21st May, at sixteen days, for \$38,319: that the two former sums represented cash, and the two latter were notes which the two cashiers stated to him had been discounted by order of the president. Of all this, Mr. Whitney declared, a memorandum at the time had been taken by him. Such a memorandum he produced, and left with the committee on a small slip of paper, worn out and torn, and it is among the papers reported by the committee; and as it formed the main stay of Mr. Whitney's first testimony, a copy of the whole of it is here subjoined.

"May 25, 45,000.

" 26, 24,000.

May 13, 15 days, \$20,000 collateral.

" 21, C. Biddle, 58,319, 16 days 5—8 June."

Of the two first notes, Mr. Whitney declared, in answer to a leading question from the chairman, that no entry had been made upon the books: that he took his note of them from a memorandum in the teller's drawer, and that on *making the discovery*, he directed the officers of the bank, one or both cashiers, to enter this money upon the books: that it was done—that he did not see it done, but subsequently saw on the books, the entry of "bills receivable," which he knew was the entry made by his order.

He further stated that immediately after making this discovery, and giving this order, he had gone into the president's room, where he found him alone: that he told him what he had discovered and done, and requested that no such transaction should be repeated while he was a director of the institution. That the president did not deny the facts as he had stated them—that he colored up very much, and promised that no such thing should happen again.

This testimony appeared to be in all respects so extraordinary, and so deeply to affect the moral character of the president of the bank, in which the subscriber had been long accustomed to repose the most unbounded confidence, that he deemed it proper to trace its introduction, so far as possible, to its origin. As the question of the chairman of the committee which drew forth this testimony indicated that he had previously been made acquainted with it in detail, and as he had, on first stating his expectation to prove these charges, declined naming the witness by whom he expected to prove them, the subscriber resorted, by interrogation of the witness, to ascertain that which the chairman had de-

clined communicating to the committee. He inquired of Mr. Whitney whether he had previous communication on the subject with any member of the committee? What had been his motive for giving the testimony? Whether it had been voluntary or solicited? To these questions he answered that he had made previous communications to the chairman at his apartment, in presence of another member of the committee; that he had no particular, but general motives for giving the testimony; that he did not recollect whether it had been voluntary or asked of him; but upon being pressed by a further question, he answered, that Judge Clayton had been recommended to him by a letter from Mr. Benton. This disclosure was then confirmed by the chairman.

The subscriber requested that his objections to the admission of this evidence, while anonymous, should be entered on the journals of the committee, and an explanatory entry was also made at the request of the chairman.

Mr. Whitney appealed with great confidence to his memorandum, and to the books of the bank corresponding with it, to confirm his story; but there was nothing in the memorandum to show that it had not been taken from the books of the bank. There was internal evidence in the memorandum that it could not have been taken before the 26th of May; and there was evidence on the books of the bank that it was probably taken from them on the 27th of May—that was the only day on which one of the books of the bank corresponded with the memorandum of Mr. Whitney.

But Mr. Whitney testified that no entries had been made of the certificates of stock in the teller's drawer, of the two sums 45,000 and 24,000 dollars minuted on his memorandum, on the books, until after he had ordered the entries to be made; while the books of the bank proved that entries of both those sums had been regularly made on those respective days, the 25th and 26th of May: Mr. Whitney's own testimony showed that he had seen the books after the entries were made, and there was nothing except his own declaration, to show that he had not taken his memorandum from them.

Mr. Andrews and Mr. Wilson, the two cashiers from whom Mr. Whitney alleged that he had received the first information of this embezzlement of the moneys of the bank, denied in the most explicit and unqualified terms, that any such transaction had ever taken place—denied not only that they had ever given to Mr. Whitney such information as he had affirmed to have received from them, but the existence, at any time, of any facts which would have justified them in given such information.

Mr. Burtis, the first teller, and Mr. Patterson, the discount clerk, at whose drawers Mr. Whitney's narrative represented him as having made his discoveries, and given his orders for making the entries, with equally earnest asseveration, denied that any such transaction had ever taken place, so far as they were concerned.

The president of the bank, confronted with Whitney, declared, upon oath, that there was not one word of truth in his statement of his interview with him. And Mr. Whitney was left with his ragged memorandum, and his oath, falsified by the concurring oaths of the five individuals, who with certainty of knowledge could contradict him.

Nor was this all. Mr. Whitney's statement was confirmed by the purport of his memorandum, and the context of the books of the bank, to a date of time of no wider range than the 26th or 27th of May, 1824. The president of the bank, on a subsequent day, proved, by the correspondence of the bank, that from the 22d to the last day of that month, he was not at Philadelphia, but on a visit to the City of Washington, on the business of the bank. For these discrepancies from the testimony of Mr. Whitney, as upon his examination he termed them, he did not attempt to account. He withdrew, however, the statement that he had *ordered* the entries



of the two sums of 45,000 and 24,000 dollars, to be made upon the books, and placed the affirmance in an alternative position, to meet the evidence as it appeared in fact upon the books. He now said he had ordered the entries to be made, or had found them already made, and confirmed them. But he never attempted to show to the committee whence or how he, as a single director, had derived the authority of *ordering* the keepers of the respective books to make any entry upon the books whatever; an authority which all the keepers of the books denied to belong to a director.

The question was put to Mr. Whitney, whether, upon his making his discoveries, he had considered himself as having fully discharged his own duty, as a director, by a more private expostulation with the president, without making known the transaction to the board of directors at all: to which he answered, that he had not considered the subject in that point of view.

Mr. Whitney, to sustain his character, produced evidence that he *had* been very extensively engaged in business; had paid large sums for duties on imported articles to the government of the states; that, while a director of the bank, he had been a very active and industrious member of the board, and that he had been employed by the board in confidential trusts, which he had faithfully executed. As a last resort to sustain his charge of embezzlement against the president of the bank, although he admitted he had never mentioned it to the board of directors, he insisted that he had, soon after it happened, spoke freely of it to others, and particularly to Mr. Wilson Hunt, who, he requested, might be called, and who accordingly was called as a witness before the committee.

Had there remained a fragment of doubt upon the mind of the subscriber with regard to the character of the testimony of Mr. Whitney before the examination of Mr. Hunt, it would have vanished upon hearing what he testified. It was, that Mr. Whitney, some years since, at the time when he was a director of the bank, had confidentially shown him a memorandum of some loans on stocks, which *he said* had been made to Mr. Thomas Biddle, by the president, without the knowledge of the directors. Mr. Hunt thought that Mr. Whitney had further averred that these loans had not been entered on the books of the bank, but he did not recollect that he had told him that *he* had ordered them to be entered on the books, and he was very sure he never had told him that the loans were without payment of interest. Mr. Hunt had been impressed with the idea, derived from Mr. Whitney's communications to him, that he was not friendly to the president of the bank; and he said he had thought *them* serious enough. But Mr. Hunt manifested astonishment at the very question, whether Whitney had told him that the loans were made *without payment of interest*. He not only denied that fact, but with a very natural asseveration, that if it had been so stated to him, it was impossible he should have forgotten it.

The subscriber, in charity to the infirmities of human nature, would willingly believe that the testimony of Mr. Whitney, upon his first examination, was the result of self-delusions, produced by long cherished and pampered suspicions of trivial error, till imagination, supplying the place of memory, had sworn them into imputations of embezzlement and fraud. Mr. Whitney had been *stimulated* to bear testimony against the bank from abroad. The more aggravated the charges which he could bring to bear on public opinion against the president of the bank, the fairer would be the prospect of success in defeating the renewal of the charter, and the more acceptable to the spirit of party would be the service he might render by the testimony he should give. The defaced and tattered memorandum, taken in years long past from the books, would give a sort of mysterious pre-emption right of credibility to any colourable detail of circumstantial narrative to be connected with it. The instinct of calumny is inventive of details, pre-

cisely because details make their way most easily to the credit of the hearer, and it has long been remarked by keen observers of human action, that he who accustoms himself to make truant of his memory is often-times the first to credit his own lie.

Whether it was so with Mr. Whitney, the subscriber cannot undertake to say with certainty; but certain it is that an affirmation most material, and most confidently made, in the first examination of Mr. Whitney, that the notes which he had discovered in the Teller's drawer had not been entered on the books when he discovered them, and that they were so entered by his direction, was retracted by himself after it had been blasted by the production of the entries upon the face of the books themselves. Yet the retraction itself was frank and candid. It was by assuming an alternative, which while it abandoned all pretence of sustaining the fact, was yet unwilling to abandon the offensive imputation. When the impossibility of his pretended interview with the President, of rebuke on the part of Whitney, and of tacit confession and blushing promise of future amendment on the part of Mr. Biddle, was demonstrated by the President's absence from Philadelphia at the time, Mr. Whitney was not prepared with any subsequent invention of details to supply its place. He admitted that there was a discrepancy between this demonstration and his previous asseverance, but he neither attempted to reconcile them, nor to fortify his own statement by explanation or commutation of its terms. His dishonoured memorandum found no endorsement for the honour of the drawer.

Other charges of partiality by the President of the Bank, in behalf of his distant relatives, Thomas Biddle, & Co. had also been scattered abroad upon the no better foundation than the fact that Thomas Biddle & Co. are, and have for years, been among the brokers of the first eminence and most extensive business at Philadelphia, or in the Union. That their transactions of business have been and are every year to the amount of many millions. That their deposits in bank have been to similar amount, and that they have occasionally been responsible to the Bank for more than a million of dollars at once. Brokers of this description are, to all essential purposes, bankers themselves, as a bank in the plenitude of its power and operations, is but a broker upon a larger scale. Among the transactions of Messrs. Thomas Biddle and Co. with the bank, there was a deposit made by them to a considerable amount, upon which, by agreement, an allowance was once for a short time made to them for interest. It appeared upon explanation, that the money thus deposited was in the possession of Thomas Biddle & Co. as agents of a certain foreign government, and that the pressure on the money market was very great.

That the use of the money for the time during which the interest was allowed, would have been of more value to them than that interest, and the bank having urgent occasion for the use of the money, the interest upon it for a few weeks was allowed, as a consideration for its being left in bank for employment there, instead of being withdrawn for the use of the depositors. It was substantially a loan for a time, the principal profit of which was on the side of the bank, and in which the allowance of interest was not equivalent to the profit which Thomas Biddle & Co. would have realized from the same money by withdrawing it.

That in the cases of moneys paid out to them from the teller's drawer, upon equivalent deposits of stocks, transferred, it was done for transactions in which the Biddles were purchasing bills for the bank, acting not for themselves, but as agents for the bank. In such cases the cash was wanted to pay for the bills purchased. The brokers not having the cash on hand, received it from the bank itself, leaving United States' stocks of equal value in its place, for a few days, until the brokers agents for the bank restored the cash, took back the certificates of stock, and paid interest for the cash



they had received, for every day during which it had been withdrawn.

The complicated character of the pecuniary operations between the House of Thomas Biddle & Co. as brokers, and the bank, must also be remembered in considering the very large amount of their notes discounted at the bank. They might appear on the books of the bank indebted to it, for the amount of a million, when their real debt might not amount to a thousand dollars—the money for which they appeared indebted being only the sums requisite to pay for the bills purchased for the bank itself.

In reviewing the whole investigation by the committee of the transaction between the Bank of the United States and the brokers, there is one consideration which most forcibly struck the mind of the subscriber, and which he thinks pre-eminently worthy of the consideration of Congress, and of the nation. The charge of favoritism to certain *brokers*, of connivance with them to speculate and prey upon public interest, for purposes of usury and extortion, formed a very prominent item in the original resolutions of the chairman of the committee upon which this investigation was instituted. It was one of those charges which, in its essential nature imported, not simple inadvertence and indiscretion, error of judgment or mismanagement in the president and directors of the bank, but the sordid peculations of a swindler. It was impossible that those charges should be true, if the President of the United States Bank, was a man of common honesty.

There was no sparing of commentary upon the scanty coincidence of facts which the proposer of the resolution was willing to consider as giving sufficient colour to the charge to entitle it to the honour of an inquiry. That there had been, and still were, large dealings between the brokers and the bank was sufficiently notorious. That the bank and the brokers had competitors, rivals, and enemies, whose rancor was sharpened by all the stimulants of avarice and ambition, was not less apparent. These passions never fail to have watchful observers in their train. Whispers it now appears, had been in circulation even from the year 1824, ripening for a term of seven years into rumours of combined and concerted frauds, and embezzlement of the funds of the bank to the private purposes of the president of the bank; and the principal brokers of Philadelphia. What was their foundation? Extensive dealings between the bank and the brokers—of course very large discounts to the brokers. Interest to the amount of a few hundred dollars once or twice allowed for the use of money by the bank to the brokers. Cash taken out of the bank by the brokers for a few days, upon deposit of stock left in its place. Enormous loans to the brokers, sometimes even at a rate of interest less than 6 per cent. a year. Superadded to all which the name of the president of the bank was Biddle. The name of the supposed accomplice broker was Biddle, and they were descended from one great grandfather. To the suspicions of awakened jealousy here were abundant elements for the most nauseous compound of fraud and corruption.

Secret communications are accordingly made to the proposer of the resolution for inquiry, and with a predisposition of hostility to the bank, a plausible denunciation of guilt and dishonour on the part of the president of the bank, assumes the formidable aspect of a public accusation, and invokes the sanction of a legislative investigation. Had the reflection once occurred, that to all these great operations, between the brokers and the bank, the government itself was a party though unseen, the mystery would have been explained, without needing a resort to the injurious suspicion that a man honored annually by a series of re elections to a station of high trust and confidence, was reducing himself to the level of a common counterfeiter of coins. The subscriber believes that suspicion, though a necessary auxiliary to the faithful discharge of a public trust,

should itself be trusted with great reserve. A man conscious himself of integrity of purpose, should not readily admit into his mind the belief that others are reckless and unprincipled. Above all, does he believe that a man of honest and candid mind, who has been induced by false representations to admit and to countenance imputations upon the honour of another, owes him, when disabused by the evidence of unquestionable testimony, the signal reparation of a candid acknowledgment of error.

He never, for a single instant, believed that those dishonourable imputations upon the president of the bank were founded in truth; but when he found them embodied in the positive declarations of a witness upon oath, and fortified by a bold exhibition of a contemporaneous memorandum, and a confident appeal to the books of the bank, he scarcely dared to indulge the expectation that this desperate lunge against a citizen of unsullied honour could have met so immediate and so total a discomfiture.

*To be Continued.*

From the Philadelphia Gazette.

#### PROCEEDINGS OF COUNCILS.

Thursday, May 3, 1832.

**SELECT COUNCIL.**—Mr. WORNELL presented a petition praying that Locust street from Broad street to Schuylkill Eighth street be paved, which was referred to the Paving Committee.

Mr. PETTIT presented the annexed petition which was referred to the same committee.

*To the Select and Common Councils of the City of Philadelphia.*

The memorial of the subscribers respectfully represents, That the present regulation of the wharves on Schuylkill, is well calculated for landing coal and heavy freight from boats, being a convenient height above high water mark, and whereas the regulation of the public streets below the Permanent Bridge, is considerably above the private wharves, consequently there will be much difficulty in gaining access to the pavement with loaded carts, and should it become necessary to raise the private wharves so as to correspond with Chestnut, Walnut and Locust streets, there will be much inconvenience and great loss sustained in the unloading of boats, and as uniformity in the landings on the Schuylkill would be not only a convenience but add much to the appearance, your memorialists beg the City Councils to take the subject into consideration and make such regulations in the streets above mentioned as will reduce them to the level of the private wharves.

The following communication from the Commissioners of Moyamensing was received, and was referred to the same committee.

*To the Select and Common Councils of the City of Philadelphia.*

Gentlemen—The township of Moyamensing has made frequent attempts to obtain from the city of Philadelphia a removal of the nuisance, that exists on Thirteenth street.

The Commissioners of the township have applied to your honourable bodies on more than one occasion; and the inhabitants residing on that street, in the neighbourhood of Cedar street, have represented to you, that it is often impassable, that their property is damaged, their cellars filled with water, and that their healths are injured in consequence of the line of Thirteenth street being turned into a drain for the refuse water of the city.

The Commissioners of Moyamensing would have applied some remedy for this grievance before this time, had they not been under the conviction that the city ought to provide for the discharge of her own surplus water. They were of opinion that as the city paved her streets, erected houses, and covered her whole plot with improvements, she would find the means of conveying away the water thus drained



into her gutters without incommoding her neighbours. They did not believe that the city would draw from her works erected on the Schuylkill large supplies of water, for furnishing the different manufacturing establishments, and others within her bounds, and after it has been used by them, and has been infused and corrupted with mineral and vegetable poisons, that she would throw it upon an adjoining district. But there was another reason that induced the belief that the city would take charge of this water, and that was the fact, that the original plans of the heights and levels of the city have been changed, so that the point of intersection of Thirteenth and Cedar streets is lowered by the present regulation at least two feet, and thus the quantity of water which would naturally be thrown to that point is greatly increased.

For these reasons, the Commissioners of Moyamensing have ever thought, and still feel confident, that the city of Philadelphia will do what is just and right. They have therefore appointed the undersigned a committee to address your honourable bodies, and to request you to appoint a committee to meet this committee, for the purpose of devising some plan for carrying off the water, which is at present the source of so much evil and inconvenience.

With sentiments of much respect, we subscribe ourselves your ob't servants,

JACOB THOMAS,  
EDWARD SMITH,  
JAMES MAXWELL,

Committee.

April 26, 1832.

The resolution attached to the report of the committee on Markets, which was passed by the Common Council at their last meeting, was concurred in by the Select Council.

The ordinance which was passed by the Common Council was referred by the Select Council to the committee on the revised ordinances.

Mr. JOHNSON offered the annexed resolution which was adopted.

Resolved, by the Select and Common Councils, That the Mayor be, and he is hereby authorized to draw his warrant on the City Treasurer for the amount of taxes due on the estate of the late Stephen Girard, and for the amount of such expenses as he may have incurred, in relation to the said estate, and that the same be charged to the Girard fund.

The Select Council did not concur with the Common Council in the amendment of the resolution attached to the report of the Library Committee, but adhered to it as originally reported, and appointed a committee of conference, and Messrs. Pettit and Massey were appointed the committee on behalf of the Select Council and Messrs Horn and Leiper on the part of the Common Council.

The following resolution reported by the Girard committee at a previous meeting was adopted:

Resolved, by the Select and Common Councils of the city of Philadelphia, That the Executors of the late Stephen Girard be, and they are hereby authorized, in their capacity as executors, to cause the square of ground between High and Chesnut, and Eleventh and Twelfth streets, to be built upon and improved agreeably to the plan, contracts and arrangements of the testator; to employ and compensate all suitable agents, to contract for work and materials, and to pay for the same out of funds that may be in their hands as executors; and that the receipts which they shall obtain, for all payments made by them, in the prosecution of the said improvements, shall be accepted by "The Mayor, Aldermen, and Citizens of Philadelphia," as a part, of the amount of said receipts, of the residuary estate devised and bequeathed by the said testator, to the said "The Mayor, Aldermen, and Citizens of Philadelphia."

COMMON COUNCIL.—Mr. SEXTON presented the

annexed communication which was referred to the committee on the Drawbridge Lot.

*The Honourable the Select and Common Councils of the City of Philadelphia.*

The petition of the subscribers, respectfully sheweth, That on the twenty-fifth day of September, Anno Domini 1818, they entered into an Indenture of Lease with the City Commissioners in behalf of the Mayor, Aldermen and Citizens of Philadelphia, for the use of a certain public lot of ground, situate on the east side of Water street in the city of Philadelphia, bounded westward by Water street, southward by the Dock commonly called the Horse Dock, and northward by ground now owned by John Kern, containing fifteen feet on Water street, and running eastward fifty feet, together with the appurtenances in which said Indenture are contained inter alia the following covenants, to wit:—"And it is further covenanted and agreed between the said parties, their executors and administrators, that at the expiration of the said term of twenty-one years, the improvements so to be erected on said lot of ground shall be justly and fairly valued, and each party furnished with a copy of such valuation, and the said Mayor, Aldermen and Citizens of Philadelphia covenant, promise and agree to, and with the said Gabriel Kern, Jr. and George A. Snyder, their executors, administrators and assigns, that on such valuation and estimate being made and on their receiving a copy of the same, that they will pay or cause to be paid to the said Gabriel Kern, Jr. and George A. Snyder, or to the survivor of them or their executors, administrators or assigns of such survivor, at the end of the said term of twenty-one years, the sum so ascertained to be the value of the said improvements: Provided, that the said Mayor, Aldermen and Citizens of Philadelphia shall not in any event be liable to pay for the said improvements more than the sum of three thousand dollars."

"And also that the said Gabriel Kern, Jr. and George A. Snyder shall not nor will at any time during the continuance of the said term assign the hereby devised premises to any person or persons whomsoever, without the license and consent of the said Mayor, Aldermen and Citizens of Philadelphia in writing for that purpose first had and obtained." And that your petitioners have improved the said lot of ground agreeably to their contract in the said indenture mentioned, and have performed all other their covenants and agreements in the same mentioned since they have occupied the said lot of ground, and that they are desirous of parting with the residue of the term, in pursuance of which they respectfully beg leave to offer to Councils the said improvements and the residue of said term, upon the principles set forth in said lease, to wit, the appointment of appraisers to ascertain the value of the same. Your petitioners therefore pray Councils to adopt such measures as they may deem expedient and necessary, or in the alternative to allow your petitioners to dispose of the same to whomsoever they shall think proper, and your petitioners will ever pray.

G. KERN, Jr.

GEORGE A. SNYDER.

Mr. SULLIVAN, from the Girard committee made the following report, which was laid on the table.

*To the Select and Common Councils of the city of Philadelphia.*

The committee on Girard's Legacy respectfully report,

That they have had under consideration the Resolution referred to them by the Common Council, on the fourteenth day of February last, authorising and directing the Mayor to have all the Real Estate of the late Stephen Girard insured from loss or damage by fire.

The committee have ascertained that it was not the practice of the testator to insure any of his property against loss or damage by fire; and they believe that in declining to do so he proceeded upon just calculations



as to the chances of loss from that cause, compared with the great amount of premium which would be paid if insurance were effected. The committee therefore return the resolution committed to them to the possession of the Council, by which it was so referred—together with the expression of the opinion of the committee that it would not be expedient to insure.

When the resolution reported by the Girard committee, which was passed by the Select Council came up for concurrence, Mr. Baker called for the yeas and nays on the question, and was adopted. Yeas, Fearon, Lehman, Page, Hood, Horn, Mayberry, Moss, Okie, Ryan, Sexton, Sullivan, Wainwright, Wetherill, and Leiper, 14. Nays, Messrs. Baker, Fritz and Oldenburg, 3.

#### SELECT COUNCIL.

Thursday, May 10, 1832.

Mr. PETTIT as Chairman of the Committee on the revised ordinances, reported the ordinance as passed by the Common Council without amendment, which was passed.

Mr. NEFF as Chairman of the Committee to survey Water street, made the annexed report and resolution which were agreed to.

The Committee appointed by the Select and Common Councils to cause Water street to be surveyed from Vine to Cedar street, and to prepare a plan for laying the same out anew in conformity to the will of Stephen Girard, report:

That they have attended to the subject in conjunction with the City Surveyor and after mature deliberation have agreed to recommend to Councils the adoption of a plan upon the principle, that the cartway in Water street shall be at least eighteen feet wide between the curb stone on the east and west sides of Water street, that being at present the established width from Vine to Dock street, and that the footways both on the east and west side of Water street shall be hereafter ten feet six inches in width which will make the whole width of Water street, within these limits thirty-nine feet, corresponding with the will of Stephen Girard, and as the same is fixed or nearly so before his late dwelling in North Water street, and his stores on the west side thereof. That part of Water street extending south from Dock street to Pine street is now fifty feet in width, and Penn street which is considered a continuation of Water street from Pine to Cedar street is also fifty feet in width, these streets to remain as they now are, except that the footways shall conform to the other footways in Water street, so as to have them an uniform width throughout from Vine to Cedar street of ten feet six inches.

The committee submit also a description of Water street from Vinc to Cedar street made out by Samuel Haines, City Surveyor, showing distinctly the various distances the buildings should recede from the curb stones in accordance with the intention of Stephen Girard.

The committee offer the following resolution:

Resolved, By the Select and Common Councils, That the committee be and they are hereby authorized to prepare a plan and an ordinance agreeably to the principles laid down in the preceding report and submit the same at the next meeting of Councils for their adoption.

The following is a description of Water street, as surveyed and laid out conformably to the will of the late Stephen Girard, Esq. under the direction of a Committee of Councils appointed for that purpose.

Beginning at the south line of Vinc street at the eastern face of the building on the west side of the said Water street, thence in a straight line to a point in the north line of Sassafras street 3 feet 10 inches, west of the eastern face of the building on the west side of Water street.

Thence from a point in the south line of Sassafras street 4 feet 5 inches, west of the eastern face of a

building on the west side of Water street, in a straight line to a point in the north line of Mulberry street, 4 feet 4 inches west of the eastern face of a building on the west side of Water street.

Thence from a point in the south line of Mulberry street 4 feet 1 inch west of the eastern face of a building on the west side of Water street, in a straight line to a point 7 feet south of the south line of Stephen Girard's store, No. 26 North Water street, and 4 feet west of the eastern face of a building on the west side of Water street. Thence in a straight line to a point in the north line of High street, 4 feet 10 inches west of the eastern face of a building on the west side of Water street.

Thence from a point in the south line of High street, 4 feet 6 inches west of the eastern face of a building on the west side of Water street, in a straight line to a point in the north line of Chestnut street, 4 feet 10 inches west of the eastern face of a building on the west side of Water street.

Thence from a point in the south line of Chestnut street, 5 feet west of the eastern face of a building on the west side of Water street, in a straight line to a point opposite the middle of Tunn Alley, 5 feet 5 inches west of the eastern face of a building on the west side of Water street. Thence in a straight line to a point 8 feet north of a range with the north line of the Mariners' Church, 4 feet 6 inches west of the eastern face of a building on the west side of Water street. Thence in a straight line to a point in the north line of Water street, 4 feet 6 inches west of the eastern face of a building on the west side of Water street.

Thence from a point in the south line of Walnut street, 5 feet 9 inches west of the eastern face of a building on the west side of Water street, in a straight line to a point 328 feet south of Walnut street, and 4 feet 10 inches west of the eastern face of a building on the west side of Water street. Thence in a straight line to a point 100 feet north of Dock street, 4 feet 6 inches west of the eastern face of a building on the west side of Water street—thence in a straight line parallel to Front street to a point in the north line of Dock street.

Thence from a point in the north line of Dock street 39 feet east of the point last above mentioned, in a straight line to a point 100 feet north of Dock street, and 4 feet 6 inches east of the western face of a building on the east side of Water street. Thence in a straight line to a point 2 feet 6 inches east of the western face of a building on the east side of Water street. Thence in a straight line to a point in the south line of Walnut street, 10 feet 4 inches east of the western face of a building on the east side of Water street.

Thence from a point in the north line of Walnut street 6 feet 4 inches east of the western face of a building on the east side of Water street, in a straight line to a point 47 feet south of Tunn alley, and 3 feet 6 inches east of the western face of a building on the east side of Water street. Thence in a straight line to a point in the middle of Tunn alley, 3 feet 6 inches east of the range of the western face of a building on the south east corner of Water street and Tunn alley. Thence in a straight line to a point on the south line of Chesnut street, 5 feet east of the western face of a building on the east side of Water street.

Thence from a point in the north line of Chesnut street 4 feet 10 inches east of the western face of a building on the east side of Water street, in a straight line to a point in the south line of High street, 4 feet 6 inches east of the western face of a building on the east side of Water street.

Thence from a point in the north line of High street, 4 feet 6 inches east of the western face of a building on the east side of Water street, in a straight line to a point 7 feet south of a range with the south line of S. Girard's store, No. 26 north Water street, 8 inches west of the western face of a building on the east side of Water



street. Thence in a straight line to a point in the south line of Mulberry street, 2 feet 6 inches east of the western face of a building on the east side of Water street.

Thence from a point in the north line of Mulberry street 4 feet 4 inches east of the western face of a building on the east side of Water street, in a straight line to a point in the south line of Sassafras street, 1 foot 9 inches east of the western face of a building on the east side of Water street.

Thence from a point in the north line of Sassafras street, 1 foot 10 inches east of the western face of a building on the east side of Water street, in a straight line to a point in the south line of Vine street, 6 inches east of the western face of a building on the east side of Water street.

The above described lines are laid out parallel to the cartway in Water street, and at the distance of 10 feet 6 inches therefrom on each side of the street; the cartway is regularly 18 feet in breadth throughout the whole distance from Vine to Dock street.

Water street formerly called Plumb street, from Dock to Pine street, is now open and in use, 50 feet wide, having a cartway 30 feet in breadth, and footways 10 feet in breadth, on each side.

Penn street from Pine to Cedar street is now open and in use, 50 feet wide, having a cartway 30 feet wide, and footways each 10 feet wide from Pine to Lombard street alley—and a cartway 26 feet wide, and footways each 12 feet wide from Lombard street alley to Cedar street.

Little Water street as it is usually called, extends from Lombard street alley to Cedar street, and east of Penn street, it has no communication with Penn or Water street, except along Lombard street alley, and therefore can hardly be considered as a part of Water street, intended to be widened and straightened conformably to the aforesaid will.

Mr. PETTIT as chairman of the committee of conference relative to the report of the Library committee, made the following report and resolution, which were adopted.

The committee of conference appointed to endeavor to effect a union of sentiment in relation to the resolution attached to the report of the Library committee on the subject of "HAZARD'S REGISTER," respectfully report:

That they have carefully attended to the duty assigned to them, and have agreed to recommend the adoption of the following resolution, viz.

Resolved, by the Select and Common Councils, that the Clerks of the Councils be instructed to purchase three copies of the volumes already published, of Hazard's Register of Pennsylvania; and that it shall be their duty to procure three copies of the subsequent volumes, as the same shall be respectively completed and published; and that one copy of said work be placed in the Select Council Chamber, one copy in the Common Council Chamber, and one copy in the Mayor's office.

Mr. GROVES moved to take up for consideration, the report of the committee to improve Chesnut street wharf, on Schuylkill, which was agreed to, and he then offered the following resolution which was adopted, and Messrs. Groves, Massey, Sexton and Patterson were appointed the committee.

Resolved, that the report of the committee appointed to report a plan for the improvement of the city property on the east side of the river Schuylkill, and south of the permanent bridge, be postponed for the present, and that two members be added to that committee from the Select and two members from the Common Council,

and that the plan and report be re-committed to the committee thus enlarged.

Mr. LIPPINCOTT, as chairman of the committee of Ways and Means, made the annual report, which was ordered to be printed.

Mr. MASSEY offered the annexed resolution, which was adopted, and Messrs. Massey, Neff, Horn and Oldenburg, were appointed that committee.

Resolved, by the Select and Common Councils, that a committee of two members of each Council be appointed to cause to be surveyed, and a plan made for laying out a passage or street on the east part of the city of Philadelphia, fronting the river Delaware, not less than twenty-one feet wide, and to be called Delaware Avenue, extending from South or Cedar street to Vine street, all along the east part of Water street squares, and western side of the logs which form the head of the docks or thereabouts, and that they be authorized to call to their aid the City Surveyor, and to employ such other qualified persons as they may judge proper.

Mr. GROVES offered the annexed resolution which was laid on the table.

With the view of carrying into effect that part of the will of Stephen Girard, which makes it the duty of the corporation of the city of Philadelphia, to erect buildings suitable for a College on the place and in the manner described in the said will, therefore

Resolved, by the Select and Common Councils, that a joint committee, consisting of members of each Council be appointed for the purpose of advertising for and procuring plans for the said college, and such outbuildings as may be necessary to accommodate 300 students, and that the said committee be authorized to offer a premium of dollars, for the plan which may be approved of, and dollars for the one next in point of merit, and for the third best plan dollars, which plans when received shall be reported to Councils, at a special meeting which shall be called for that purpose, who shall determine the premiums aforesaid.

The Select Council adjourned to meet on Tuesday evening next.

From the Philadelphia Ariel.

#### A DAY IN CHESTER.

We ventured to recommend the village of Chester to our readers, a few weeks ago, since which we have again passed a day very pleasantly in the neighborhood. Leaving the city at seven in the morning, you land on the pier at Chester in less than two hours, after breakfasting on board that floating palace, the William Penn. Besides the charm of cultivated society, to be met with in the village, the ground is rendered doubly interesting by the historical associations which connect themselves with it.

At the distance of about a mile above Chester, immediately on the bank of the creek, are extensive quarries, where large quantities of stone are procured and sent down the river in boats. Here they are shipped in larger vessels, and conveyed principally to the Breakwater, now constructing near the entrance to Delaware Bay. The stone is obtained in large irregular masses, and is a rough granite, consisting of an aggregation of quartz, felspar and hornblende, irregularly combined.

We observed traversing the quarries, an occasional vein of sulphuret of iron, or pyrites, of a fine gold lustre, but imperfect in its crystallization; and some tolerably good specimens of tourmalin, though the crystals were not large. A fine lamellated felspar, of a pale red color, is abundant, and in some places it is found of a green tinge.

At this place we met Mr. W. C. Lytle, the son of the proprietor of the quarries, to whose polite attention we are indebted for much of the satisfaction resulting from our excursion. Leaving the quarries, he conducted us by a wild romantic path, about



a half mile farther up the creek, where near an old deserted saw-mill, we found the traces of an ancient mine. Two shafts appear to have been sunk here, which are yet visible, but filled with water, and overgrown by bushes and briars. A considerable quantity of the rubbish drawn from the mine is yet lying about the place, from an examination of which it is apparent that the shafts were sunk chiefly through a clear white quartz, containing veins of *copper* and *molybdæna*.

The ore of copper which we observed here in the greatest quantity, is the *yellow feruginous sulphuret*, though the *green carbonate* and several other varieties may also be found. The *sulphuret of molybdæna* is abundant, and so nearly resembles *graphite* or *plumbago* (vulgarly called *black lead*) as not to be easily distinguished from it by mere external characters. The two minerals are, however, essentially distinct in their chemical composition; the *plumbago* being a *carburet of iron*, i. e. iron combined with a large proportion of carbon, while the other is the metal called *molybdæna*, combined with sulphur. It is a rare metal, and we are not aware that it has been applied to any use. Those persons who may desire specimens to add to their cabinet collections of minerals, may obtain them without difficulty at this place.

We were informed by Mr. Edward Jackson, an intelligent old gentleman whom we met at the mine, that about thirty years ago, three assays were made of the copper ore obtained here; the average result of which was 53 per cent. of *copper*, with 48 ounces of *silver* in every 100 pounds, and as he says, one grain of *gold* in each ounce of the ore. Before any great depth had been obtained, the progress of the work was suspended, owing to the want of funds, and it has ever since been neglected. But from the awakened attention, manifested at present to the mineral treasures of our country, we venture to predict that the work at this place will be resumed at no very distant day. The strong probability of obtaining large quantities of rich ore by sinking the shaft to a greater depth, may induce some of our enterprising capitalists to make an attempt to render this mine productive.

From the Easton Whig.

#### A SKETCH OF EASTON.

Perhaps there are few places that possess more attractions and afford more pleasures than that of old romantic Easton, and I may add, that for few places has nature done more, or been more various in her gifts. A place blessed with peace and plenty, and producing girls that the state cannot vie with in point of beauty, sociability and refined manners. But to proceed, the site of Easton is upon a plain, situated on the west side of the river Delaware, and between the river Lehigh and the Bushkill creek, surrounded by hills, north, east, south and west, forming one of the most rich and picturesque appearances imaginable.

Easton is incorporated into a borough, and is the seat of justice for the county of Northampton. It is about fifty-six miles north of Philadelphia, seventy-three miles south-west of New York, and twelve miles north-east from Bethlehem. Easton, contains, according to the census taken in 1830 a population of about 3700 souls; there are between 5 and 600 dwelling houses, one-third of which are brick. It has five buildings devoted to public worship, one of which has lately been erected by the Lutheran congregation of Easton. The interior is handsomely finished; during evening service it is brilliantly lighted by chandeliers and astral lamps and for neatness and durability its equal can scarcely be found—the exterior of the building is not yet finished; also, one court-house, 2 banks, 1 academy, 33 retail stores, 3 drug & medicine stores, one jail, one market house, one wholesale grocery and liquor store, 4 printing presses, from which issue five weekly papers, 1

post office, 6 watch and silversmith shops, 9 millinery shops, 47 confectionary and huckster-shops, 6 saddler shops, 13 taverns, 2 book stores and 1 bookbinder, 3 tanneries, 3 currier shops, 15 shoe shops and 3 fancy shoe stores, 12 tailor shops, 6 tobacco and segar manufactories, 3 hatter shops, 5 barber shops 8 cooper shops, 2 rope manufactories, 2 candle and soap do., 2 stone cutters, 2 mill stone manufactories, 6 lumber yards, 9 cabinet and chair manufactories, 1 brush do. 5 tin and copper smiths, 3 bakeries, 7 butchers, 2 gunsmiths, 2 lock smiths, 8 blacksmiths, 21 carpenter shops, 5 mill wrights, 10 coverlet weavers, 5 coach and wagon manufactories, 1 pump-maker, 1 gilder, 3 brass and iron foundries, 3 livery stables, 8 merchant mills, 4 oil mills, 2 distilleries, 2 breweries, and about 40 Durham boats, among others there are many brick and stone masons, plasterers, painters, boat builders, &c. &c.

There are 4 bridges, viz: the Delaware bridge, a stately structure, unites the Pennsylvania with the Jersey shore; the Lehigh bridge unites Easton with Williams township; the remaining 2 cross the Bushkill creek, and unite Easton with Butzville and Meixellville. There is one Library, a large and commodious building, containing upwards of 3000 volumes and manuscripts, together with an elegant and splendid cabinet of minerals, and many interesting natural curiosities. There are also several private schools where the different branches of languages and sciences are taught, together with embroidery, music, ornamental and plain needle work.

Easton is advantageously supplied with fresh, pure water, conveyed in iron pipes from a spring about a mile from the borough, through all parts of the town, which renders it highly convenient, useful and important to the community.

There are 5 engines, 3 hose carriages, and about 2300 feet of hose, all of which are under the superintendence of young men, who are active, vigilant and attentive—there are also 2 volunteer companies and one troop of horse, whose equal for the correctness of manual exercises, splendid equipage and soldier-like appearances, cannot be found in the State.

Easton is well provided with professional gentlemen; there are no less than 5 divines, who are strong advocates of the sacred truths, 7 physicians, 13 lawyers, 5 justices of the peace, 3 constables, and one chief burgess, and all of whom are strict and zealous in the discharge of their duties.

XERXES.

From the American Sentinel.

*Messrs. Editors*—Having seen a paragraph in one of the daily papers respecting the old sign of the Bull's Head, which recently hung for so many years in Strawberry street, and attributing it to the pencil of the late Sir Benjamin West, I beg leave through the columns of your paper to contradict the same, and likewise to give "honour to whom honour is due." The aforesaid sign was painted by one Bernard Wilton, an English artist who visited the country in the year 1760. He kept a small shop at the corner of Strawberry street and Chestnut, and followed the business of painting and glazing for several years after the tavern was established, when he returned to England with a considerable sum of money which he had acquired by untiring industry.

I will relate an anecdote connected with the origin of this sign. Wilton was sitting one day in the tavern, previous to any sign being hung out, and was conversing with the landlord about a subject for one, when a bull furiously pushed his head through the window and broke several decanters and glasses. This little incident was immediately seized upon by the facetious painter, who humorously exclaimed, "I tell you what, landlord, that bull has been one of the best customers you have had to-day, and in respect to so worthy a patron, you ought always to keep him in remembrance."



The landlord was at a loss to know in what manner this might be done. Wilton soon cleared the matter by telling him that he would paint the resemblance of his worthy patron, that he might always have him in view. He accordingly painted the above sign, which has been *hoaxed* on an English gentleman as Sir Benjamin West's.

Yours, &c.

'76.

#### TOWANDA.

It is supposed that 1,600,000 shingles will be sent to market this spring from one township, in this county. About a million will go from this place, and Monroe will send several hundred thousand. A great many feet of boards will also be sent to market from this county. We should be pleased, if we were enabled to say, that two or three hundred thousand bushels of wheat were about to be sent from the county—this, we are sorry to say, we cannot do and tell the truth. Although the land in this county is good for most kinds of grain, we are obliged to pay \$1 for wheat whilst it is selling all around us for 75 and 80 cents. The produce of a farm commands a better price in this county than in any other county in the state the same distance from market, and a good farmer can make himself independent in a few years.—*Bradford Settler.*

#### CARPET FACTORY.

The committee of the "Franklin Institute of the State of Pennsylvania for the promotion of the Mechanic Arts," appointed at the request of Isaac Macaulay, to examine and report the condition of the manufactory of carpeting, recently established by him at Bush Hill, near Philadelphia, respectfully report—

That they have visited the establishment and that the proprietor afforded them every facility for a satisfactory investigation. The carpeting made there consists of the varieties usually denominated Brussels, common Venitian, Brussels Venitian, Damask Venitian, and Ingrain. The looms and the apparatus connected with them are of the most approved construction, embracing all the most eligible modern improvements; and the workmen appear to be skilful and intelligent, nearly all of them having learned their business in the carpet manufactories of Kiderminster in England. After a careful examination of the several kinds of carpeting made at this factory, the committee do not hesitate to express the opinion, that in the materials used, as well as in the colors, patterns, and workmanship, they will bear an *advantageous comparison* with the imported fabrics, both as to quality and price—and that our country is much indebted to Mr. Macaulay for his assiduous and successful exertions to establish efficiently, the manufacture of so many varieties of an article calculated to promote the comfort, and to embellish the halls and parlours of his fellow-citizens.

SAMUEL J. ROBBINS, *Chairman.*

Philadelphia, May 15, 1832.

#### ORRERY.

MESSRS. HAWLEY and GARDNER, of York, Pa. have completed an Orrery, said to surpass any thing of the kind in this country. The following notice thereof, is from the York Republican:

"The Orrery represents the rotary motion of the Sun, the orbital and diurnal movements of Mercury, Venus, Earth, Mars, Jupiter and his four moons, Saturn surrounded by two bright rings and seven moons, and Herschel with six moons, and the orbital motion of all the satellites.

"The machine has thirty-nine brass wheels supported by two brass plates; seven arms, (the longest of which is 13 feet 9 inches) on the end of which are seven large glass globes, representing the seven primaries, surrounded by eighteen small glasses (all illuminated)

representing the moons. These moons are carried round by a similar number of brass arms. It has four deep-toned steel sounding bars, which indicate the annual revolutions of Mercury, Venus, the Earth, and the Moon. The Globes are illuminated by a chemical preparation, which is vastly superior to the lamps heretofore used for that purpose.

#### Office of the Delaware and Hudson Canal Company.

HONESDALE, May 12, 1832.

Received at Honesdale from Carbondale, during one week ending this day, 943 rail-road wagons, containing 23,57½ tons coal. Also, received during the week, 49 rail-road wagons, containing 77,000 feet lumber.

Total amount of coal received since 2d of April last, 11,830 tons; total amount of lumber received in same time 299,000 feet. J. B. WALTON, Collector.

COAL TRADE OF THE SCHUYLKILL.—Descended last week with coal,		
156 boats carrying tons		5,379
626 per last report		22,162
782		27,541

COAL TRADE OF THE LEHIGH.—Coal despatched from Mauch Chunk for the week ending 5th mo. 18th, 1832.		
50 boats carrying tons		1,992
233 boats		12,576
283		14,568

The Schuylkill Navigation Company received, during the week ending on Saturday last, tolls to the amount of seven thousand six hundred dollars.—*Miners' Journal.*

MILFORD, May 18.

We were visited in this vicinity, on the night of the 11th inst. with a slight frost; but we have not heard that any damage was done either to the gardens or fruit.

#### THE REGISTER.

MAY 26, 1832.

In the present number is commenced the report of Mr. ADAMS, on the Bank of the United States. Our entire form would have been insufficient for its insertion at once—we have therefore been compelled to divide it. The remainder of it, and of the proceedings of Councils, will appear next week.

During the present week, there have been several days of cold, rainy weather. On one night, there was a severe frost in the neighborhood. Fires have been found very comfortable. We understand from different portions of the country, that there is a prospect of abundant crops, notwithstanding the unfavorable appearances during the former part of the season.

On Tuesday afternoon, a very numerous town meeting was held in the State House yard, at which resolutions were adopted expressive of disapprobation of the proceedings in relation to receiving subscriptions to the Girard Bank Stock.

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# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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PHILADELPHIA JUNE 2, 1832.

NO. 231.

## UNITED STATES BANK.

### HOUSE OF REPRESENTATIVES.

MONDAY, May 14, 1832.

(Continued from page 231.)

The exploration of the accounts of members of congress and officers of the government with the bank, came, in the opinion of the subscriber, under the same category as those of editors of newspapers. The resolutions of the House of Representatives authorized the examination by the committee of the books, only as evidences of the proceedings of the corporation.

The questions for the committee were: Had they violated the charter? Had they violated any law of the land? To these inquiries they were limited, and upon these alone could they with propriety report.

As an exemplification of the odious nature of further inquisitions, the subscriber would only mention the case of the members of congress, who, during the present session, have received the compensation for their public service from the branch bank at Washington in advance of the passage of the general appropriation act. This is one of the favours to members of congress, equivalent to a loan without interest to each member, of the amount of money which he thus receives from the time of his receiving it until the appropriation act shall have become a law. Its aggregate amount from the commencement of the session to this day, in payments to members of congress, and the executive officers, falls little short of four hundred thousand dollars. The amount of interest that would have accrued to the bank, had interest been paid by each individual member, would have exceeded \$3,000. The subscriber himself is not without doubts of the propriety of this indulgence, and confidently avers that nothing which the investigation of the committee has discovered in the proceedings of the president and directors of the bank is of a more questionable character. The member who receives his pay in advance of the appropriation, does not indeed receive it in advance of the service which entitles him to it. But where is the law authorizing the bank to make the payment? The member who receives the money is only accessory to the payment by the bank, and there is many a member of this House, who, in voting for this investigation, little imagined that his own name would be returned among the members of congress, receivers of special favours from the bank. Many a member, who, perhaps, has received the favour without knowing it; yet is obnoxious in principle to the charge in the original resolution offered by the chairman of the committee, quite as obnoxious to the imputation of impure motives in the bank, as the bank can be made by all their transactions with editors of newspapers or printers, James Watson Webb and Mordecai M. Noah, included.

One great and insurmountable objection to the right and justice of entering into a scrutiny of motives for proceedings not forbidden by any law, was that the committee could exercise no censorial power of that nature over the president, directors, and officers of the bank, or, at all events, over individuals having dealings with that institution, which those individuals had not an equal right to exercise over the committee, and every one of its members in return. What motive, for exam-

ple, could impel a member of the committee to call in exercise all the power of congress to suppress the publication of essays or speculations favourable to the bank in newspapers? Would not the editor of a newspaper thus inculpated have the same right to inquire into the motives of the committee-man? If, peradventure, he should have been in the habit of making free use of the press to assail and discredit the bank, would not this struggle to deprive the bank of self-defence through the medium of the press, be attributed to the desire of having the monopoly of that powerful engine to himself? Would it not argue a consciousness of weakness in the appeals to public opinion against the bank, if, to sustain the charges against it, there should be an attempt to suppress all the means of self-defence? The freedom of the press, in the language of party spirit, means the unlicensed use of that instrument for itself to assail, and a total interdiction of its use to the adversary for defence. And singular, indeed, would be the section of a charter to a bank which would leave it open to every shaft to slander, and deprive it of all possible means of repelling the assault.

Among the useless, and worse than useless inquisitions into which the majority of the committee thought themselves justified in descending, were imputations of political misconduct in certain officers of the branch bank at Norfolk, in Virginia. Articles of complaint, as grievous and perhaps as numerous as those of the chairman of this committee against the president and directors at Philadelphia, had been laid before that board against the president and cashier at Norfolk, by a person who had been one of the directors of that branch. A long and patient investigation of those charges had been made by the board at Philadelphia, and one of their cashiers had been sent to make a thorough examination of all the facts of the case upon the spot itself. The charges had been found totally destitute of foundation, and there was among the archives of the bank a voluminous correspondence, which was all submitted to the examination of the committee. To give the house a faint idea of the extent of this inquiry, it may be sufficient to say that the whole controversy respecting the accounts of a late navy agent at Norfolk, and the pamphletting and newspaper war between that officer and one of the auditors of the treasury, were among the simplest of its elements. After plunging for a series of days into these mysteries, almost deep enough for every member of the committee to take his side upon two or three by-gone contested elections at Norfolk; after plodding over manuscript volumes of acrimonious bitterness from the most pertinacious of complainants; after examining the long protracted correspondence both of that complainant and of the inculpated officers of the Norfolk branch, with the board at Philadelphia, and the cashier who had made the investigation at Norfolk; after giving the complainant himself the trouble of repairing to Philadelphia to sustain his charges, and try over again criminations and recriminations, which a judicial tribunal, after summoning half the inhabitants of the borough of Norfolk, and subjecting them to an endless list of interrogatories and cross-examinations, would scarcely have been competent to solve—after the consumption of several days in these inquiries, the last result of which, must, under any possible termination of their



investigation have left them precisely where they began, the majority of the committee concluded to desist from what the subscriber believed the committee ought never to have undertaken, and what the chairman reports "they have been compelled to abandon for want of time."

The complaints made against the president of the bank of Portsmouth, New Hampshire, in the summer of 1829, and the correspondence between the board at Philadelphia, and the late secretaries of the treasury and of war, form a portion of the documents relating to the books and proceedings of the bank, called for by the committee, and communicated to them. They are not noticed in the report of the chairman, but, in the opinion of the subscriber, are more deserving of the attention of congress and of the nation, than any other part of the papers commented upon in the report. An effort very thinly veiled on the part of two of the executive departments of the general government to exercise a control, political and pecuniary, over the proceedings of the bank and its branches, a control highly exceptionable in principle, and even contrary to law, appears to him to be fully disclosed in those papers. He will not permit himself to inquire into the motives of the agents in those transactions. It is sufficient for the protection of the public interest that the projected encroachments of power were disconcerted and laid aside.

Among the objects of investigation authorized by the majority of the committee transcending, in the opinion of the subscriber, the powers delegated to them by the resolution of the House, and therefore unwarranted and improper, were six sets of interrogatories, amounting in all to one hundred and sixty-one questions, addressed by one member of the committee to the president of the bank, never submitted to the committee for their consideration, but drawn up, a large portion of them, after the committee had closed their examinations at Philadelphia, and after the subscriber had returned to Washington, and resumed his seat in the house. They reminded him of certain popular words of instruction for children, in which universal or particular histories, or abstruse and profound sciences are taught by question and answer. The subscriber has found many of them, upon perusal, passing his powers of comprehension, but they appear to comprise a compendium of political economy, and the skeleton of a profound dissertation upon coins, currency, paper credit, circulation, and banking. The subscriber cannot withhold his admiration from the comprehensive views and profound knowledge of the subject discovered in those inquiries, and believes that satisfactory answers to them might form a very useful second, though somewhat larger volume, to the legislative and documentary history of the Bank of the United States, compiled by the indefatigable research and industry of the clerk of the house of representatives and his associate. But a large portion of the questions might, with more propriety, be addressed in a circular to the presidents of all the banks in the four quarters of the globe, than to the president of the Bank of the United States. And it may be doubted whether of many of the inquiries, a convention of all the bankers in the world would not be reduced to the necessity of leaving them as they found them—to be solved only by the ingenuity or sagacity of their author. The subscriber objected to them as they were presented in clusters; not but that some of the questions might be within the compass of the powers and duties of the committee, but that they were buried in such a mass of heterogeneous matter, that it would have occupied the committee to the last moment of their happily limited time to extract the pertinent matter from its encasement. The subscriber believed it quite unjustifiable, under the authority of the committee, to make of this inquiry a general disputation upon banking.

Upon the mass of documents and tabular statements collected by the committee, and reported to the House, the subscriber has so imperfect a knowledge that he can

form no distinctive opinion. He has never had access to the greater part of them. They were called for by resolutions submitted by the chairman and one or two other members of the committee, without disclosing the objects which it was expected they would elucidate. Most of the time, while the committee were at Philadelphia, was consumed in the compilation of them by the officers of the bank. When collected, they remained in the possession of the chairman of the committee to enable him to prepare his report, and the subscriber has not even seen a considerable portion of them. He will confine himself, therefore, to those which have been noticed in the report of the chairman and majority of the committee.

1. The charge of usury, as having been taken some ten years since by the branch bank, at Lexington, as set forth in the case of the Corporation against Owens, and others, reported in the second volume of Peters's Reports of cases argued and adjudged in the Supreme Court of the United States, was one of those upon which the chairman of the committee had largely expatiated in his speeches, at the time when he brought forward his resolution of investigation. No information varying the state of the facts as they were then explained, was obtained by the committee. It was then sufficiently shown, that in all the transactions of this case there had been neither usury, nor any thing resembling usury, on the part of the bank. That it was a case in which the bank had not done, but had suffered grievous wrong. A transaction in which the subscriber has no hesitation in saying, that if the parties had been on both sides individuals, the plea upon which the defendants extricated themselves from the engagements which they had contracted, would have been in no wise creditable to them.

The bank had discounted a promissory note of Owens for five thousand dollars, upon which the other defendants were joint signers with him.

For this note Owens received the sum of 5,000 dollars in *notes of the Bank of Kentucky*, promising to pay the same sum *in specie* in three years from the date of the note. At that time, the notes of the Bank of Kentucky were depreciated, and purchasable in market, at a discount of 54 per cent. Owens received them at their nominal value, and promised payment for them in specie three years after date. The notes had been received by the Lexington branch, at their nominal value, and partly for government deposits. To them, they were equivalent to specie. Within six months after the transaction, they recovered their nominal value. Had the Lexington branch retained them, they would have been repaid at their full value, with lawful interest, till the time of payment. They never received one dollar of usurious interest upon them—never one dollar more than was actually paid to the holder of them by the Bank of Kentucky, from which they had issued. The money was equivalent to specie to Owens himself, at the time when he received it, and he paid with it debts of his own at their nominal value.

But the branch at Lexington, in the case before the court, was, as many a suitor besides has been, made the victim of a special *plea* and demurrer. The plea set up by the defendants to escape the payment of an honest debt, set forth, not that the notes of the Kentucky Bank were of less value than specie, to the branch at Lexington, the lender,—not that they were of less value than specie to Owens, the borrower and receiver; not that at the time when the note was made payable, they were of less value than specie even in the open market, but, that *at the time when the note of Owens was discounted, the notes of the Kentucky Bank were generally depreciated*—so that 100 dollars thereof nominally were of the *CURRENT VALUE* of only 54 dollars. To this plea of *general depreciation*, and *current value*, there was, perhaps incautiously, what the lawyers call a *demurrer* on the part of the bank, which demurrer, according to the practice of judicial courts, precludes the party from the benefit



of any other facts than those specially set forth in the plea. Special pleading has long been known among the practitioners of the law, as the science of spreading snares for the unwary; and so odious has it become from the frequency with which it is thereby made to operate unjustly, that in many states of this Union, legislative acts have abolished it altogether, by providing that in all cases whatever a defendant shall be at liberty to take the general issue, and give all special matter in evidence under it. In this case, however, the general issue did not suit the purposes of the defendants. They could not aver that they had not made the promise to pay the money for which they were sued by the bank. They could not deny that the Kentucky bank notes had been to the borrower and to the lenders equivalent to so much silver. They could not deny that long before the note became payable, the Kentucky bank notes had recovered their full value. Owens himself had not the face to join in the plea, but the joint signers of his note, finding it more convenient to charge the bank with usury, than to fulfil their engagements, screened themselves from performance by this plea of *general depreciation*, and *current value*, and by averring in their special plea, contrary to the fact, that there had been a *corrupt* and *unlawful* agreement between the bank and themselves, that the bank should receive more than lawful interest upon the loan to Owens. It was no such thing. There had been no such corrupt agreement; but the bank, by demurring to the plea, deprived itself of the means of disproving that allegation, and upon that state of things, the decision of the case, by a bare and doubting majority of the judges of the Supreme Court, was against the bank. With the utmost deference for the opinions of that court, the subscriber believes that they never gave a judgment of less authority than in this identical case.

The judges of the Circuit Court for the district of Kentucky had differed in opinion upon the case. The judgment of the Supreme Court was delivered by judge Johnson, who declared himself to have entertained very serious doubts of the sufficiency of the averments in the plea. After stating those doubts, he adds "I am content, however, to unite with the *three* of my brethren, who make up the *majority* on this point, in holding the averments to be sufficient, because in a considerable dearth of authorities on this subject, I find it decided in the case of Bolton vs. Durham, in Croke's Report, Cro. Eliz. 642, that *the confession of the quo animo implied in a demurrer* will affect a case with usury, when *a very similar case* in the same book, in which the plaintiff had traversed the plea, was left to the jury with a favourable charge. Benningfield vs. Ashley, Cro. Eliz. 741. Here then judge Johnson declares that after very serious doubts he was content to unite with his three brothers, to make up a majority against the bank, because he found in an old Reporter of the time of Queen Elizabeth that the confession of the quo animo, (that is of the alleged but fictitious corrupt agreement) implied in a demurrer, made that usury, which by the authority of the very same book would not have been usury, if the plaintiff had traversed the plea, that is, had denied and tendered in issue the pretended corrupt agreement. If, then, the branch at Lexington, instead of demurring, had traversed the plea of the defendants, that is, if they had denied the existence of the corrupt agreement, averred by the defendant, but which had never existed, the Supreme Court would have decided that there was no usury in the case, and the defendants would have been compelled to perform their lawful engagement, instead of evading it by stigmatizing themselves with corruption.

The subscriber will pursue no further this analysis of the decision of a majority of the judges of the Supreme Court of the United States. In cases where that venerable tribunal is at liberty to harmonize in judgment with the award of moral sensibility, there is none to whose discernment and discrimination he would bow

with more respectful deference. But in the review of judicial decisions upon contracts avoided by pleas of usury or statutes of limitation, there would be always found a "considerable dearth of authorities" in the English Reporters, traced back even to the age of Elizabeth, in which the fiat of the law has been in unison with the dictate of justice.

In one of the precedents cited by judge Johnson, the court is said to have observed "there is nothing immoral in this transaction, but it is against a prohibitory statute." This remark was not wholly applicable to the case of the bank of the United States against Owens and others. Of that transaction it could not be said there was nothing in it immoral. There was something in it profoundly immoral, though not on the part of the bank. Even the violation of the prohibitory statute was an inference against the fact, from the confession *implied in a demurrer*. The bank was first debarred from the recovery of a just debt, and then branded with usury upon the plea of *general depreciation* and *current value* of the notes of the bank of Kentucky, when in fact there was not a cent of usury taken or even reserved.

The subscriber, however, cannot suppress his surprise that *this* case should have been selected and should now be persisted in, as the head and front of the offences of the Bank of the United States. Not alone, because, upon a thorough examination of the facts, as they appear upon the face of the report, it is the settled conviction of his mind that, throughout the whole of this transaction, the bank was the innocent and deeply injured party—not alone, because he deems it would be the summit of injustice to hold the bank of the United States responsible in its charter for an unlucky demurrer pleaded seven years ago, in a suit brought by the branch at Lexington, against delinquent debtors. But because, setting aside all those considerations, and supposing even the president and directors of the parent bank culpable of all the mistakes in pleading of the branch at Lexington, this transaction is of ten years standing. If usury there were, it was the usury not of Nicholas Biddle and the directors of 1832, but of Langdon Cheves and the directors of 1822. The contract was made in May of that year. From the endorsement upon the note then made by an illustrious citizen of Kentucky, and one of the most distinguished lawyers of the Union, (Mr. Clay,) it is clear that there was nothing, in his opinion, in the transaction which could expose it to the charge of usury. The subscriber sees nothing in it of that nature now. It was undoubtedly considered in the same light by the then president of the bank, Mr. Cheves, to whose opinions upon other points regarding the administration of the affairs of the bank, so much deference is shown in the report of the majority of the committee, that the subscriber thinks he might well have been spared this imputation of being accessory to an usurious contract of the branch at Lexington, and of having permitted it to be consummated without censure or animadversion.

The next charge upon which the majority of the committee have deemed it within their competency to report, is that relating to the issuing of the branch drafts or notes. Upon this subject there was nothing of any moment for the investigation of the committee to discover. Their existence, the causes in which they originated, and the purposes which they were intended to answer, had all been disclosed upon returns already made by the president of the bank to inquiries instituted by this and the other house of congress. They had been issued, not hastily, but after deliberate advisement with regard to their legality, sanctioned by the written opinions of three of the most eminent counsel, learned in the law, in the United States. All the facts leading to a just estimate of their expediency were well known. They were substituted for small notes, signed by the president and cashier of the parent bank, of which it was impossible for them to supply sufficient numbers



for the necessary circulation of the country. The report of the majority of the committee states, much in detail, the repeated and earnest applications of the president and directors of the bank, to congress for an additional authority to the presidents and cashiers of the several branches, to sign the notes issued by those branches. It does not appear that this request was ever denied by congress, after deliberation. In one instance, at least, there was a report of a select committee of the house of representatives, in favor of the appointment of signers to the notes of the bank; but the spirit which, in the halls of legislative power, so often defeat by procrastination, that which it cannot reasonably reject, had always succeeded in arresting the action of congress upon this proposal. But the power which was adequate to withhold the means of furnishing, in this form, uniform currency for circulation, could neither supply its place, nor suppress the constantly recurring want of it, in the intercourse of business between the different parts of the country. The solicited power was never denied, but it was never granted; and the omission to grant it had the effect of denial.

The want of circulating currency, equivalent to specie, continued with increasing pressure upon the people, and especially at the locations of the southern and western branches of the bank. An expedient was at last resorted to, which, without transcending the limits of the charter, effected the same purposes which would have been accomplished by notes payable to the branches, under the signatures of their presidents and cashiers.

It was, that they should be authorized by the directors of the parent bank to draw notes or drafts upon the bank, payable only there. That this expedient was warranted by law, has been settled by a solemn decision in the Circuit Court of the United States. It had previously received the sanction of the secretary of the treasury. An obvious remark upon it is, that its success depended upon the extensiveness and universality of the credit of the bank. The drafts, though payable only at the bank in Philadelphia, circulated as specie in every part of the country. But for that credit they could not have circulated at all, or only as depreciated currency. They have answered an exceeding useful purpose, and proved a great public convenience in the transaction of business, and the circulation of exchanges throughout the Union. Under management always prudent and cautious, no serious inconvenience would be anticipated from them. But it is not to be disguised, that they offer facilities and temptations for improvident and excessive issues. The bill reported by the committee of ways and means, for re-chartering the Bank of the United States, proposes to prohibit the issuing of these branch drafts, but to authorize the presidents and cashiers of the branches to sign bills payable at their respective offices only. The want of a circulating currency will not be so effectually supplied by this process, as by that now in use; but it will be more invariably safe to the bank itself. It is understood to be more acceptable to the president and directors, and the subscriber is willing that it should be substituted for the practice now established, from which, however, he perceives not that any serious public injury has yet resulted. That it is justifiable under the charter, he has no doubt.

The next charge adopted by the majority of the committee, from the bill of indictment of the chairman, is, that the president and directors of the bank have been guilty of the crime of receiving and paying Spanish dollars, and even our own gold coins at their intrinsic value, which is higher than that conferred upon them by statute. The objection is, that these are not technically called bullion; and there seems to be an argument in the report, that to give or receive more for foreign coin, or for domestic coined gold, than their value, as established by law, is unlawful. This argument, the subscriber, believes, has the merit of novelty—to him at least it is new. So long as the proportional value in the market of gold to silver, whether bullion or

coin, shall be seven or eight per cent. higher than the relative value assigned to them by statute, while both shall be legal tenders; so long as Spanish or Mexican dollars shall contain more pure silver than the coinage of our own mint, so long will the coin of highest intrinsic value be bought and sold as commodities, in spite of all human legislation. Nothing is more clearly established by the universal experience of mankind, than the impotence of despotism itself, to control the value of the precious metals. Every attempt to exercise such authority bears upon its face the stamp of injustice. Charles XII. of Sweden, once transmitted a message to the senate of the kingdom, that he would send to govern them one of his boots. The same monarch successively issued eight or ten copper counters, each about the weight of half a cent, and decreed that they should pass for Swedish silver dollars. His own creditors were compelled to receive them; but to pass them off upon others at the same rate was beyond his power.

With two metallic legal tenders of different intrinsic value, the bank, like every other corporation or individual, has the option, and always will make the option, to pay in the tender of lowest value. Their debtors having the same option will, as universally, pay the corporation in the same tender of lowest value. To forbid the bank from receiving foreign silver or domestic gold coins at an advance, would be to expel them, unless as special deposits, forever from their vaults. To forbid the bank from paying them at an advance, would be a prohibition ever to issue them at all. They are commodities in the market which will be bought and sold, by all the brokers and state banks in the Union, whether bought and sold by the Bank of the United States or not. The participation of the bank in the traffic, far from tending to disturb the legal value of the coin, and render that portion of the metallic currency uncertain and fluctuating, has a tendency directly the reverse. To prohibit the bank from making an allowance of advance upon Spanish dollars, would be a prohibition to import specie, consisting of that coin, at all. Then, either it would be imported to the same extent by other institutions and individual traders, or there would be a deficiency in the supply of specie. In the former case the fluctuation in the value of that kind of specie would be neither more nor less than it is, and in the latter, it would be much greater.

The fourth charge reported by the majority of the committee, is that of selling "stock obtained from government, under special acts of congress."

In this, as in many other parts of the report, the subscriber has had occasion to regret the want of precision in the statement of the charge. Here almost every word in which the charge is conveyed is remarkable for its looseness and indefiniteness of meaning. Who, for example, under the denomination of "stock obtained from Government," would naturally understand the evidences of a loan made to the Government by the Bank itself? In the contract of a loan there must be a debtor and a creditor, neither of whom can with propriety be said to obtain any thing from the other. In the use of ambiguous language, there is always danger of ambiguity of conception. In this case, if the Bank obtained stock from the government, it was because the government obtained money from the bank. The loans could not have been made without special authority by act of congress, and that authority was expressly given. The bank is prohibited from purchasing any public debt whatsoever; but it is not prohibited from selling any certificate of public debt which it may lawfully possess. With regard to the loans to which the report of the majority of the committee refers, the stock which represented the moneys borrowed, was made transferable by the very acts of Congress which authorized the loans. The bank received the certificates transferable upon their face, and neither that act, nor the charter of the bank, nor any other law of the land prohibited the bank from selling them.



If the object of the argument of the majority-report upon this charge be, to urge that, in the new charter which may be granted to the bank, a clause should be introduced to prohibit the bank from selling the certificates of the stock of authorized loans by the bank to the government, it is obvious that such a clause would be precisely equivalent to a provision that the bank should never loan to the government at all, for it is clear that congress could lay no other competitor with the bank for the loan under the same restriction; nor could the bank, under such a restriction, ever enter into competition with other proposers for the loan not so restricted. Among the great public benefits of a national bank, with a capital proportioned to the extent of its operations, the subscriber considers that this very facility furnished to the government of the contracting loans upon moderate terms, as the exigencies of the public interest may require, holds a conspicuous rank. He believes those very loans to which the majority report refers, to be signal examples of the benefit of the bank to the nation. He is well assured, that if at any time when those loans were contracted, there had been no national bank, the loans must have been made upon terms much more burdensome to the borrowers, while the public treasury would have lost all the profit of the participation in the loan to the nation as stockholders of one fifth of the capital of the bank.

The fifth and sixth subjects of charges, considered by the majority report as amounting to violations of the charter, come within the purview of one and the same principle. They consist of expenditures made by authority of the president and directors of the bank for the purpose of improving and of adding value to the real estate, of which, in the course of their business, they have become lawfully possessed. There are two donations of 1500 dollars each to turnpike road companies—some appropriations for canal basins—for building of six ware-houses, and perhaps some other houses. There appears to be in the principle of these charges, something of an instinctive aversion to internal improvements—a sentiment with which the subscriber must disclaim all sympathy whatever. The majority report presents the donations to the two turnpike road companies as offences highly aggravated by the circumstance that the general government had declined making appropriations for similar objects—which declining for similar objects becomes, in the very next sentence of the report, a direct refusal of the government to expend its revenues on the very same objects.

But this assertion, in either of its forms, is liable to much controversy, and must be received with much qualification. It is admitted, in a note to the report, to be possible that the improvements were in the neighborhood of the real estate of the bank, and upon the ground that such donations would increase the value of that real estate; and this possibility the majority would have found to be positive fact, if they had thought proper to ask for an explanation of it before passing censure upon the transaction.

The assertion is therefore altogether gratuitous, that the government had declined to make appropriations for similar objects. The government has made many and very large appropriations for the construction of roads, because they would give additional value to the public lands through or near which the road was to pass. It was the main argument upon which the first very expensive work of internal improvement, the Cumberland road, was undertaken. It has silenced many a stubborn objection, satisfied many a timid scruple, subdued many a constitutional obstacle. So decisive has been its effect, that it would be difficult to name a single instance of the refusal of congress to make an appropriation to assist in the construction of a road when it has been made apparent to congress, that it would raise the value of public lands. If, therefore, the proceedings of the bank were to be influenced by the example of the government, they had the full sanction of

their authority, for their appropriations for these turnpike roads. Nor is it just to consider them in the light of donations or gratuities, wasteful of the property of the stockholders. For such expenditures, the board of directors at Philadelphia could have no imaginable motive, other than that of promoting the interest of the stockholders, and making their funds more available. With regard to the building of houses, the majority report quotes the restriction in the charter upon the holding of real estate by the bank. The corporation is permitted to hold lands, tenements, and hereditaments, bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments obtained for such debts. It is not alleged that the bank holds one acre more of land than is thus allowed by law. But the majority report seems to consider the restriction as affecting not only the quantity of lands which they might hold, but the right of improving that which was their own—the common proprietary right. If there had been any manifestation of a desire on the part of the corporation to increase the quantity of their lands, tenements, and hereditaments, permanently held, the subscriber would have been among the first to censure their design, and the readiest to restrain them from the indulgence of such a desire by law.

But almost all these lands were held in one place—Cincinnati, in the state of Ohio. They had, according to the declaration of the president of the bank, come into their possession strongly against their own inclinations. He stated, and it appears to be perfectly natural, that all the lands which came into their hands were considered by them as incumbrances; that their design was to dispose of them as speedily as they possibly could; that for this purpose they had erected a small number of houses, to make both the land on which they stood, and the adjoining lands, more easily and more freely saleable. The buildings were also erected, partly by contributions, in labor and materials, by debtors to the bank, who had no other means of payment. The advantage of all this was principally to the stockholders of the bank; and the subscriber believes that the solicitude for their interest, so warmly manifested in the majority report, when denying the right of the president and directors to spend their money in donations and gratuities, will find no responsive voice among the stockholders themselves. It was indeed the unfortunate condition of those to whom the management of the affairs of the corporation were entrusted, that whatever they have done must be made a subject of censure. If they increase their business and their profits by branch drafts upon the bank, it is a heinous offence, because congress had neglected to give a power to sign the bank bills to any other officers than the president and cashier. If they increase the value of their real estate, by contributing to a turnpike road, it is wasting the property of the stockholders in gratuities and donations. If they enlarge their discounts and accommodations, they supply temptations to over-trading, and bring the bank to the verge of ruin. If they contract their issues, they produce unheard-of distress in the trading community. Do they trade in foreign silver and domestic gold coins? They are accessory to the pernicious exportation of the precious metals. Do they substitute bills of exchange for silver dollars in the exportation to China? Who does not see that they must send to London the coin which formerly went round the Cape of Good Hope? And, besides, the transaction looks very like respondentia securities. The most perfect parallel to the majority report, known to the subscriber, is the lively lady in "Much Ado about Nothing;"

"who never yet saw man,

How wise, how noble, young, how rarely featur'd,  
But she would *spell him backward*."

Thus, when the administration of Mr. Cheves can be exhibited in favorable contrast with that of the present president, it is presented with high and earnest com-



mentation: but when a charge of usury can be brought to bear upon the bank, upon the credit of a *confession implied in a demurrer*, the occasion to stigmatize the bank cannot be passed over, though ten long years have slumbered over the sin, and though Langdon Cheves himself must be branded as the usurer.

The subscriber will no longer tax the time and patience of the house by pursuing into their microscopic details, a series of inculpations and criminations, not one of which, in his deliberate opinion, has a shadow of reasonable foundation. How could he consider otherwise than a waste of time, a prying scrutiny into the question—Who of the stockholders have usually voted at the election of the directors? Who were the voters present? And who held the proxies of the absent? When it is notorious that in this, as in all similar institutions, whose stockholders have confidence in their presiding officer, the great difficulty is to prevail upon the stockholders to attend and vote at the elections at all. How could he consider as a grievance to be probed to the quick, and reported upon to the house, that whereas the charter provides that there shall be twenty-five directors, there are at this very hour only twenty-four, because the stockholders at their annual meeting did elect Nicholas Biddle one of *their directors*, and the president of the United States did nominate, and, by and with the advice of the Senate, did appoint the same Nicholas Biddle one of the five directors on the part of the government.

Such has for several years been the fact, and the conclusion naturally and justly to be drawn from it is, that Mr. Biddle has enjoyed the unquestioning and entire confidence, both of the government and of the individual stockholders. The reason of the double election has been this: the president of the bank is elected by the directors on the first Monday of January, and none but a director is eligible to the office of president. The nomination of government directors sometimes lingers in the Senate, until after the first Monday in January. The stockholders, therefore, elect Mr. Biddle as one of their directors, that he may with certainty be re-eligible as president. When the nomination of Mr. Biddle, as a government director, has been completed in time to be known to the stockholders at their election, they have chosen him; when it has not, he has been appointed and elected. And thus there are only twenty-four instead of twenty-five directors. In all former years, however, Mr. Biddle has declined accepting the appointment as a government director, and his place has been supplied. So that, until the present year, the board of directors has been full. The effect of his not declining the appointment from the government the present year is, that he is removable from office at the pleasure of the president of the United States.

Ten years long, has this confidence been enjoyed and justified by that distinguished citizen and honorable man. No question had ever been insidiously started, how many proxies he held? The more he held, the more extensive was the confidence of the stockholders in him. No scruple had ever crossed the mind of any president of the United States, to deter him from nominating him year after year as a government director. Not a voice had ever been raised in the Senate to cause their hesitation to confirm his appointment, and so perfectly in harmony with this confidence has been that of the public, that not a rumour has ever been raised of a prospect, or even of a project for the election of any other person as president in his place. After ten years of off fair fame, thus sustained without an adverse whisper being heard, it has been a source of deep mortification to the subscriber to see the character and feelings of such a citizen treated by a committee of the house of representatives as if he had been an inmate fresh issued from a penitentiary to preside over the Bank of the United States. As an exemplification of this fact, it might be sufficient to refer to the *tone* of the majority report, from beginning to end; to the consciousness of authorita-

tive power which pervades all its pages, unmingled with that courtesy which arrays even authority itself in the ornaments of a meek and quiet spirit—to the continual contestation even of facts stated by the president of the bank upon oath—to expressions so divested of all semblance of delicacy as these, that “the bank as it collects the revenue, knows, or *ought to know*, that it will be called upon by the government to re-imburse it.” The subscriber forbears, for he finds it difficult to express his sensations without using terms obnoxious to the same criticism which he is compelled to apply to these.

A large portion of the same report, and that with which it closes, consists of an elaborate argumentative parallel between the condition of the bank in 1819, when it is stated to have been upon the verge of bankruptcy, and its present condition. Without entering into the particulars of this disquisition, the subscriber will close this his own report, with a few general remarks concerning it.

And in the first place he observes, that the bank cannot with any propriety be said to have been upon the verge of *bankruptcy* in 1819. It did not suspend specie payments for an hour—it had met with heavy losses—its capital had not been punctually paid in, conformable to its charter. Imprudent and irregular, if not fraudulent speculations in its stock, had been allowed and shared by one or more of its directors. It had failed in the indiscreet attempts to make all its bills payable at all its branches. Had a severe pressure come upon it, a short interval might have ensued during which it might have suspended cash payments, and that would greatly, perhaps permanently, have affected its credit. But the bank was never near the verge of bankruptcy. The majority report itself, states that in April 1819, when its difficulties were the greatest, its means of specie, notes of other banks, and funded debt, amounted to upwards of ten millions of dollars, while the whole demands which could come against it in the same month, amounted to only about 14 millions. There is nothing like an approach to bankruptcy in this. But the pressure on the bank in 1819 did not proceed from the errors or imprudence of the corporation itself only. There is an ebbing and flowing of the tide of commerce almost, though irregularly, periodically throughout the world, and there is a sort of galvanic sympathy in the contractions and expansions of the great monied institutions in both hemispheres. The restoration of specie payments by the Bank of England, in 1817 and 1818, undoubtedly produced an immense pressure upon the circulation, and of course upon the commerce of the world. All paper circulation beyond the amount representing the precious metals, is fictitious capital, or rather it is *credit*. The question whether the balance of moral influence, upon the condition of men arising from circulating credit and banking, be a blessing or a curse, is a speculation for the closet. Money has long, and upon divine authority, been pronounced the “root of all evil,” and paper money shares in its full proportion the character of its prototype. Power for good, is power for evil, even in the hands of Omnipotence. Had there been in 1819, no Bank of the United States, the pressure must have been incomparable greater, and the ruin far more widely spread than it was. The opinions exhibited in this portion of the majority report, are produced in the interrogatories of the member of the committee to the president of the bank appended to it. The subscriber will barely refer to the answers by the president of the bank, which render all further discussion of them superfluous.

But if it were true, that the condition of the bank in 1819, was upon the verge of bankruptcy, and if it were also true that the present condition of the bank were of exact resemblance to its deplorable state at that time, the discretion, the patriotism, and the humanity of the committee could scarcely have sanctioned the disclosure of so disastrous a secret to the world. The market price of the bank stock at the time when the inquisition



into the affairs of the bank was instituted, was at an advance of at least 25 per cent. upon its nominal value. In spite of all the denunciation against it, in spite of all the learned arguments, all the arithmetical calculations, all the statistical theorems, corollaries, and demonstrations, with which it had been for years assailed, in and out of congress, the price current of bank stock, the thermometer of public confidence, was still at 25 per cent. advance upon the shares. If the majority of the committee had really made the discovery that the affairs of the bank were in such a desperate state, from the extraordinary pressure upon the money market and the depression of trade, considering the large stake which the nation holds in the stock of the bank, it would have been but prudent forecast in the majority of the committee, and would have manifested a tender regard for the public interest, to have reserved the exposure of this crisis of terror and dismay, until it shall have exploded or passed away. In such emergencies, the most formidable of all dangers to banking institutions is the spreading of a panic among its creditors.

The issues and circulation of the bank paper are undoubtedly large, and there has been for some months a severe pressure, though not a universal one, on the money market. The president and directors of the bank, became aware of this pressure on its first approach, and took measures of precaution as early as October last, to prepare for meeting it, and breaking its force. On the 7th of that month, a circular was issued to the cashiers of all the branches, noticing the pressure which was to be expected, particularly upon the offices at Philadelphia and New York; instructing them so to shape their business as to furnish them so far as might be practicable with the means which were likely to be required. At that time the government had given notice of a payment of six millions of funded debt to be paid on the first of January then next. But it had gone further, and authorized the creditors thus to be paid off in January, to claim their payments even at any time of the preceding quarter, although the government had in deposit scarcely half the sum required for that anticipated payment. The bank made no complaint, but took this measure of precaution. The same vigilant and restrictive policy was pursued through the winter and spring, except when mollified by the dispensations of Providence in the overflowings of the Ohio at Cincinnati and at Louisville.

At these places, the credits of the bank had been very large; yet, immediately upon being informed of this visitation of calamity, every facility was again extended by the direction of the president and directors at Philadelphia, to those who had suffered by the floods. Shortly after, the secretary of the treasury makes a confidential intimation of a wish to pay off six millions of three per cent. stocks on the first of July next. To ease the pressure upon the commerce of New York, and to save the bank from curtailing the discounts of the merchants' debts to government, for duties, the president proceeds to Washington, and in a conference with the secretary of the treasury, suggests the expediency of postponing until the first of October, the payment of the six millions of 3 per cent. stock. The secretary accedes to this arrangement, the bank stipulating to pay the quarter's interest, in consideration of having, during the interval, the use of the money; and this adjustment, so advantageous to the government, so provident of the interests of the stockholders, so beneficent to the debtors, both of the government and of the bank, and so facilitating to the collection of the revenue at a time of considerable commercial embarrassment, is seized upon in the majority report as if the dearth of reasonable cause of complaint had bred a famine, and harped upon as if it had been the convulsive grasp of the bank in the very last agonies of bankruptcy.

Now all this has led the mind of the subscriber, reflecting upon it with all the anxious intensity of which it is capable, to a directly opposite conclusion. That

there was over-trading to a considerable extent in the course of the last two years, he has no doubt. That the issues of bank credit and circulations unusually large, partly furnished the means to this over-energy of enterprise, he is not prepared to deny. That in the earnest and proper anxiety to re-invest in productive funds the mass of capital thrown back upon their hands by the payment of the seven millions of the government's debt for the stock of the nation in the bank, the president and directors may have for a moment overstepped the line where that prudence, which includes all the attributes of the Divinity, might have stopped, is possible. The subscriber is far from affirming that they did. If they did, he is sure that it was from motives pure as rectitude itself, and from infirmities of judgment incident to all labors of man.

The president of the bank very forcibly stated to the committee, the extremely delicate position in which the institution stands towards the commercial community in this respect. So long as the bank keeps within the line of safe operations upon its own funds, it leaves those of commerce to regulate themselves. It neither seeks to increase nor diminish them. When, from whatever cause, there is among the merchants a tendency to over-trading, it is not the province of the bank, directly, to interpose against it; for that would be to exercise an invidious and improper control over business with which it has but a remote concern. Its general duty is to grant facilities while it has disposable funds uninvested. The point at which it ought to stay its hand, is a matter of difficulty to determine, and upon which the soundest discretion may come to different results in different men. From the first appearance of the impending pressure, the measures of the president and directors of the bank appear to the subscriber to have been marked with great judgment, and to have been continued and modified according to the progress of events, with equal steadiness of purpose, and benevolence of intention.

But, whether the corporation issues its circulation with liberality, or curtails it with prudent caution, it equally meets the censure of the majority report. After quoting two passages from a report of Mr. Rush, commending the bank for its prudence in limiting the amount of its circulation, it gives two statements, showing that, between August 1828, and the first of April last, the circulation had been augmented to what it calls the astonishing increase of upwards of ten millions in less than four years. But it omits all notice of two facts which, if duly considered, would have taken off all the edge of astonishment. The first is that, during the same interval, the seven millions of stock, held by the government, were re-paid. The second, that upwards of three millions of the public debt, held by the bank, were paid off: so that the astonishing increase of circulation is a mere re-investment of capital, which had been returned upon the hands of the bank, and only the substitution of one species of productive property for another. And scarcely has the sentence of censure been expressed in the report, but it turns and complains, and appeals to the circular addressed to the branches, and correspondence with them since October last, that the chief object of the bank has been barely to sustain itself; and that, since that time, the bank has not increased its facilities to the trading community, in any part of the Union.

The subscriber believes that nothing can be more delusive than the parallel drawn, in the majority report, between the state and condition of the bank in 1819, and in 1832; but that report has subjected itself to one test which is already disclosing the true character of its reasoning. It has ventured upon the field of prophecy, and the failure of its predictions is already brightening into demonstration.

In the anticipation that there will be a curtailment of discounts for several months to come, the foresight of the majority report is probably correct. This, of course,



must occasionally happen in all banking establishments. It is incidental to all the unavoidable fluctuations of trade, and is believed to be at this time indispensable, not only to the bank, but to the whole commercial community. This operation has, indeed, been quietly proceeding in the Bank of the United States, ever since the circular of 7th October 1831; which the majority report turns to so large account for its purposes. It has been in progress, while, at the same time, the direction of the bank has been reserving and husbanding, and prudently applying the means to the commercial portion of our fellow citizens, of meeting and passing through this critical emergency, with as little detriment to the public and to individuals as possible. This would explain, one would think, very satisfactorily, the fact stated in the letter of the president of the bank to the secretary of the treasury, of the 29th of March last, that, in compliance with an intimation from the collector at New York, an extension of loans had been promptly acceded to, in the preceding month of February, to assist the meretricious debtors of the government in the punctual payment of their bonds; without needing an argument such as that of the majority report against this plain and direct assertion of a very notorious and unquestionable fact. The author of the report finds, by reference to the weekly statement of the office at New York, from July 1831, to April 1832, no aggregate increase of loans; but, on the contrary, a reduction of the amount. He finds that the total amount of discounts at the New York branch, between the 4th of October 1831, and the 28th of March 1832, was actually diminished \$468,447 17, while, during the same time, the bonds paid at that port amounted to between nine and ten millions of dollars. Can it be imagined that he discovers in this statement, compared with that in the letter from the president of the bank, to which he refers, not an unanswerable demonstration of the prudence as well as of the liberality with which the affairs of the bank have, in this respect, been conducted, but an occasion of contesting, by unavoidable implication, the *veracity* of the president of the bank?—and this, in a report which, upon an immediately preceding page, charges the bank with “*the loss of five millions of its specie.*”

On the first perusal of the report, the subscriber was himself greatly at a loss to know what was meant by this “loss of five million of its specie,” of which he was very sure, that no evidence had been given to the committee; and it was only after a repeated examination of the paragraph in comparison with another part of the report, that he found this form of expression was only an ingenious mode of accusing the bank of a *loss of five millions of specie* between the first of September and the first of April, because there was nearly that amount more of specie in the funds of the bank at the former period than at the latter. This construction, by which payment of debts is converted into loss of specie, may serve as a consolation for the disappointment arising from the inability to convict the bank of any other serious loss since 1819.

With regard to the increase of the number of the branches, to the precise manner in which the annual election of directors has been conducted, to the alarming magnitude of the sums recently paid for printing, to the sums paid to the solicitors and counsellors, distinct from those paid to attorneys, to the number of *useful* documents not referable to any particular head, and to the *many statements* called for, which the business of the bank, and the shortness of the time allowed for the investigation, would not admit to be furnished, the subscriber will pass over all these subjects as they are passed over by the majority of the committee, with the expression of his satisfaction that the labours of the committee upon them were abridged by the march of time, and of his hope that no committee of congress will ever again be called to an investigation upon a plan of such interminable outline. He is convinced,

that to fill it up according to the comprehensiveness of its conception and the multifarious complication of its details, a committee appointed at this time, which should sit the year round, and he might safely add night and day, would, at the expiration of the charter of the present bank, be left, like the present committee, with a multitude of subjects of complaint, which they would be “*compelled to abandon for the want of time.*”

With regard to the numerous matters of vital importance in the re-organization of the bank, specie payments, domestic and foreign exchanges, investments in public debt by the bank in 1824 and 1825, and its ability to make loans to the government, the influence of the operations of the bank upon trade, on the increase of the paper-circulation of the bank, its agency in diminishing or enlarging the circulation of local banks, and the means of permanently regulating our circulation so as to prevent its injurious effects upon the trade and currency of the country, concerning which the committee, or rather one of its members, submitted a number of inquiries to the president of the bank: a copy of the answers of the president of the bank to these inquiries has already been submitted to the house. It is hoped they will be satisfactory to the house, and that, they will contribute with other considerations to the conclusion that the bank of the United States ought, with such modifications as may be deemed expedient by the legislature, to be immediately re-chartered.

The subscriber has long entertained the opinion, that the existence of a national bank is indissolubly connected with the continuance of our national union. The fiscal operations of the government in all its branches, he believes, cannot, without the aid of such an institution, be conducted, he will not say well, but at all. He does not say that the present bank of the United States, is indispensable; and his mind has some times hesitated upon the question, whether at the expiration of the present charter of the bank, the establishment of another, though similar institution, might not be more expedient than the renewal of the charter. Inclining rather to the latter of these measures before the institution of this inquiry, he has been very strongly confirmed in that opinion by the result of the investigation in which he has shared.

The management of the affairs of the corporation during the administration of the present president, not exempt from human error and infirmity, has yet appeared to him marked with all the characters of sound judgment, of liberal spirit, of benevolent feeling, and of irreproachable integrity. A large proportion of its officers in subordinate trusts are of the Society of Friends, a class of citizens peculiarly qualified for the performance of duties, and the exercise of qualities appropriate to the successful management of monied establishments—industry, punctuality, temperance, and a conscientious discharge of all moral obligations.

In considering the numerous and important public services, and the large contributions of the present bank to the government and people of the United States, he thinks the least return which they are justly authorized to expect from the equity of the nation, is the renewal of their charter. The benefits and profits of the bank have been enjoyed by the nation, far beyond those shared by the individual stockholders. Besides the bonus of a million and a half of dollars paid to the public treasury for the charter—besides the saving of the expense of loan offices for the payment of the public debt, principle and interest—besides the obligation of transferring the Government funds to and from every part of the Union, as the public exigencies require—the nation has held one fifth part of the stock from the commencement of the institution to this time, without payment of one dollar to its capital, until the last two years. It has received the dividends in common with the other stockholders; has exercised the exclusive right of appointing one-fifth of the directors; has been supplied with loans whenever the occasions of



the government have needed them upon terms more advantageous to the public than could have been secured from any other institution or company of individuals; while the bank, by its salutary control, and its universally extended credit, has compelled the restoration of cash payments and furnished a currency equivalent, in substantial value, to specie, throughout the union. These have been the advantages of the bank to the nation, while the individual stockholders have realized upon their invested capitals, scarcely more than a yearly interest of six per cent, even including the advance of the stock at this time in the market. This circumstance has afforded proof, nothing short of demonstration, of the rashness and folly of all those projects for the establishment of a new bank, which have been presented to congress, with a lure of enormous premiums for the grant of a charter. The subscriber has no doubt that the destruction of such an establishment would be speedy and inevitable, either by the absorption of all its profits to pay the premium or by forcing its direction into a wild and reckless extent of business, ruinous to the commerce of the country, not less than to the bank itself.

In considering the expediency of renewing the charter, the subscriber discards all considerations of the interests or wishes—not only of the president and directors of the bank, but of all the individual stockholders of the corporation. In the question between chartering a new corporation, and re-chartering the old one, if the interests of the individual adventurers are to be considered at all, like opposite quantities in algebra, they annul each other. It is the public interest alone that can determine the question, and in that view alone, the subscriber would prefer the renewal of this institution to the establishment of another. The present establishment has the advantage of long experience, and of a system matured by the acquired knowledge of many years, and by the correction of its own errors. That knowledge has been purchased at no inconsiderable cost, and a set of new undertakers would most probably have to pass through a similar noviciate. The result of his examination has been an entire conviction that with a view to the public interest alone, the charter of the bank of the United States ought forthwith to be renewed.

In the free and unreserved animadversion upon the course of proceedings pursued in this investigation by the majority of the committee, and upon the consequences to which they necessarily led; which he has felt it his duty to indulge, he trusts it will not be understood as his intention to speak in censure of any individual member of the committee. He imputes no injustice of intention to any one, even where he sees it most flagrant in the result of measures. If in the examination of the books and proceedings of the bank, a penetrating and severe scrutiny into the official conduct of the president and directors of that institution was within the scope of the labors of the committee, and he has no doubt it was, he was equally clear in the conviction that the resolution of the house gave them no right, and that the first principle of national justice denied them the right, to bring before themselves for censure or vindication the persons or the concerns of any other individual. The majority of the committee thought otherwise. Editors of newspapers, printers, attorneys, counsellors, solicitors, brokers, members of congress, and officers of government, they thought came fairly to be hunted down, if they had an account in bank, because the committee were authorized to examine the books and the proceedings of the corporation. They thought this a liberal construction of their power. Differing from them in their definition of liberality, he has seen no cause to question the liberality of disposition of any one of them, according to their sense of the term. He does all possible justice to their intentions, though often and essentially dissenting from their reasoning, and from their philology. Liberality, in his vocabula-

ry, is a word of very different import, and as unintelligible to them, as in theirs it is to him. From this remark, he deems it a tribute of candor to except the member of the committee who constituted the majority, and the generosity of whose nature licensed the report made by the chairman of the committee to the house. That same generosity of his nature impelled him, when the report was presented, to rise in his place, and declare, that in the whole course of this investigation, he had seen in the conduct of the president and directors of the bank nothing inconsistent with the purest honor and integrity. Had that same candid and explicit declaration, due, as the subscriber believes, to the most rigorous justice, been made by the other members who sanctioned the majority report, many a painful remark in the paper now submitted, perhaps the whole paper itself, would have been suppressed. But to vindicate the honor of injured worth, is, in his opinion, among the first of moral obligations, and in concluding these observations, he would say to every individual of the house, and to every fellow citizen of the nation, inquisitive of the cause of any over-anxious sensibility to imputations upon the good name of other men which they may here find—

"When truth and virtue an affront endures,  
The offence is mine, my friend, and should be yours."

JOHN Q. ADAMS.

May 14th, 1832.

I concur fully in all the statements made and principles developed in the above report.

J. G. WATMOUGH.

#### NEW PRESBYTERIAN CHURCH.

At an adjourned meeting of a number of individuals, communicants, pewholders and worshippers in the Second Presbyterian Church in the city of Philadelphia, late under the pastoral care of the Rev. Joseph Sanford, convened in the Hall of the Franklin Institute, agreeably to public notice, on the 21st of May, 1832, for the purpose of adopting the requisite regular measures, and making the necessary arrangements for the organization of a new Presbyterian Church,

The Rev. Dr. AARON W. LELAND of Charleston South Carolina, being present was chosen Moderator, and MATTHEW NEWKIRK, was appointed Secretary of the meeting.

After a hymn had been sung and a prayer offered up to the Throne of Grace by the Moderator, the following resolutions were offered and unanimously adopted.

*Resolved*, That while we feel it a privilege at all times to acknowledge our obligations to Almighty God, and our entire dependence upon him, we desire especially under the painful circumstances in which we are convened deeply to feel this dependence, and to cast ourselves on his gracious direction and favor.

*Resolved*, That in view of the grievances to which we feel ourselves subjected in the Church to which we are attached, we now proceed to the adoption of measures for the purpose of organizing a new church and congregation upon the principles and under the form of government of the Presbyterian Church in the United States.

*Resolved*, That the communicants of the Second Presbyterian Church respectfully request certificates of good standing from the Second Church to which they are now attached, as soon as may be thought expedient, with a view of regularly carrying into effect the previous resolutions.

*Resolved*, That the communicants thus dismissed and recommended, and the other worshippers of the new church, as soon as convenient, request Presbytery to take measures to effect the organization above specified, and that M. L. Bevan, M. Newkirk and William Wallace, be a committee for that purpose.



*Resolved*, That a committee be appointed to procure an act of incorporation, with all the rights and immunities of a Presbyterian Church, agreeably to the laws of the United States and that of the State of Pennsylvania, and A. Henry, M. L. Bevan and John H. Campbell, be that committee.

*Resolved*, That seven members be a committee for the purpose of purchasing a suitable scite for the contemplated edifice, duly regarding the convenience of the members, and that report be made to a subsequent meeting. The following persons were appointed:

Samuel Richards,	Wm. Wallace,
M. L. Bevan,	John S. Henry, and
M. Newkirk,	F. V. Krug.
J. V. Cowell,	

*Resolved*, That a committee of fifty be authorized to obtain subscriptions and donations for the purpose of erecting a new edifice for worship. The following persons were appointed:

Alexander Henry,	Geo. D. Blakie,
M. L. Bevan,	E. R. Johnson,
Samuel Richards,	Geo. D. Heberton,
Matthew Newkirk,	Geo. Fithian,
John V. Cowell,	F. Hieskell,
William Wallace,	F. N. Buck,
Robert E. Gray,	Peter Lees,
Bela Badger,	Henry Bill,
David Kirkpatrick,	Isaac Otis,
Henry F. Heberton,	Robert Heberton,
John S. Henry,	Michael Runnals,
F. V. Krug,	Dr. Lewis Summerl,
David P. Reisch,	Geo. H. Van Gelder,
Samuel Harvey,	Ambrose Walker,
Rufus L. Barnes,	John J. Johnston,
Joseph Reakirt,	C. M. Miller,
Wm. Christie,	Robert Ewing,
Garret Newkirk,	P. L. Alrick,
Stephen C. Brooke,	Wm. B. Perkins,
Wm. Carter,	Sterne Humphreys,
Robert B. Aertsen,	Wm. J. Burkhart,
Abraham Crawley,	John Vanarsdall,
John C. Moore,	W. A. Train,
John Kennedy,	M. Garnett,
Robert Sheppard,	John Ross.

*Resolved*, That Alexander Henry and Matthew L. Bevan, be a committee to obtain suitable supplies for the pulpit.

*Resolved*, That all the individuals present who consent to the foregoing resolutions, together with such other individuals as desire to associate with us, enroll their names in a book or paper prepared for that purpose. The following persons were appointed to carry this resolution into effect. M. Newkirk, Samuel Richards, M. L. Bevan, John V. Cowell, and Henry F. Heberton.

*Resolved*, That the proceedings of this meeting be signed by the Moderator and Secretary, and published in the daily papers.

A. W. LELAND, Moderator.  
MATTHEW NEWKIRK, Secretary.

From the Philadelphia Gazette.

## PROCEEDINGS OF COUNCILS.

THURSDAY, MAY 10.

**COMMON COUNCIL.**—Mr. RYAN, as chairman of the committee on the Drawbridge lot, made the following report and resolution which were adopted.

The committee on the Drawbridge lot, to whom was referred an inquiry into the expediency of disposing of said lot by public or private sale, report:

That having given the subject due consideration they are of the opinion that it is inexpedient and impolitic on the part of Councils to dispose of it.

While your committee entertain this opinion they are nevertheless aware, that in its present state it forms such a nuisance to the neighborhood around it, as calls

loudly for such a disposition to be made of it by Councils, as will not only have a tendency to enhance the value of property in that neighbourhood, but prove eminently useful to our fellow citizens residing in that section of our city.

Petitions have been laid before Councils for several years past, praying for some other disposition to be made of that lot different from that to which it is now occupied, but Councils declined acting upon them, contemplating that at some future period the time would arrive when they could with propriety adopt such a permanent plan of improvement as would prove useful and satisfactory to our fellow citizens generally.

And although that lot has been heretofore fenced in and put in some order, calculated for a public promenade, yet for the want of a proper attention to its preservation and improvement, the intentions of those who projected that plan failed.

Your committee are of the opinion that the time has now arrived when this improvement can be completed with confidence, when they take into consideration, the completion of the Delaware Avenue, the widening of Water street, the erection of the Exchange on the corner of Dock and Walnut streets; the great width of Dock street (the cartway being on an average from 48 to 50 feet) while most of our streets have a cartway of only 26 feet.

When we take a view of that elegant banking house of the late Stephen Girard, (being now city property) and travel down Dock street passing by the Exchange and the formation of the street itself, showing such a variety of obtuse and acute angles—on arriving at the Drawbridge lot, it will be seen that there is not a street so susceptible of improvement as Dock street.

The cartway being at present of an unnecessary width would afford a much wider footway, say from 25 to 30 feet, extending from Third street to the Drawbridge lot, and by planting two rows of trees along those footways would form an elegant and agreeable promenade for our fellow citizens during the warm season.

Thus, with the Girard Banking house fronting the intersection of Dock and Third streets, the new Exchange at the intersection of Walnut street, and the Drawbridge lot handsomely improved at its termination, together with the footways widened and trees planted, the Drawbridge lot, with Dock street improved, would form one of the most elegant places of recreation in our city. Under these impressions, your committee beg leave to offer the following resolution:

*Resolved*, By the Select and Common Councils, That it is inexpedient to dispose of the Drawbridge lot, and that the committee on that lot be directed to procure a plan for the improvement of the Drawbridge lot, and of Dock street, and lay the same before Councils, as soon as practicable for their consideration.

Mr. BAKER as chairman of the paving committee made the subjoined report and resolution which were agreed to.

The paving committee to whom was referred the resolution of Councils to inquire if any and what alterations are necessary to be made in the regulation from Spruce to Chesnut, west of Beach street, to the river Schuylkill, report,

That they have viewed said street and heights of the regulation as Mr. Haines, City Regulator, marked for the information of the committee, and from the height as it appears by the marks, the committee are of opinion that the regulation at the wharf is higher than the interest of the city and property holders adjoining the same admits of and that the same may be lowered without injury to any person, and greatly to the benefit of a number of lot holders, at Locust street, west of Beach street, and at George street, and Beach street; they therefore offer the following resolution.

*Resolved*, that the paving committee request Samuel Haines, City Regulator, to draw a plan of said alteration and submit the same for the consideration of Councils.



Mr. FRITZ as chairman of the committee to whom was referred the petition of the watchmen of the City, made the following report and resolution which were adopted.

The committee to whom was referred the petition of the City Watchmen, together with the communication of the Mayor and City Commissioners in relation thereto, beg leave to report:

That they have taken into consideration the importance of an efficient Watch and impressed with the belief that a proper understanding of the merits of the application required such information as could be attained in reference to the duties and pay of Watchmen in other cities, they procured statements thereof from New York, Boston, and Baltimore, carefully examined the same and having compared them with the duties and allowances, are of the opinion that the Watch of this city in proportion to the duties by them performed, do not receive a sufficient compensation for their services, they therefore offer the following resolution for the consideration of councils:

Resolved, that it be recommended to the City Commissioners to pay a salary to the City Watch of twenty eight dollars per month, including in their duties the lighting, trimming, cleansing, &c. of the lamps, the number of lamps to be equalized among the Watchmen as nearly as practicable.

Mr. FRITZ as chairman of the fire committee made the annexed report, resolution, and ordinance.

The committee on fire companies to whom was referred the memorial of fire companies, requesting an increase of appropriation in aid of their several institutions, report:

That from the several statements received from separate companies, they are of the opinion an additional appropriation may be necessary to aid those companies in their laudable endeavours, they therefore recommend the passage of the following ordinance, entitled "a further supplement to an ordinance granting aid to the fire engine and hose companies of the city, passed April 22d, 1824.

SEC. 1. Be it ordained and enacted &c. that from and after the passing of this ordinance, the sum of one thousand dollars, in addition to the sum of five thousand dollars heretofore appropriated, be, and the same is hereby appropriated, for the same uses and purposes, and subject to the same conditions, as are contained in the ordinance to which this is a further supplement.

The committee although not being instructed to offer any ideas or recommendations, further than those embodied in the ordinance reported, presume to suggest to the consideration of Council the propriety of acting in conjunction with the different fire insurance companies, who are much interested in this subject; for although some of the companies contribute in a certain degree towards the support of the engine and hose companies, it is done without system, and no doubt with the best intentions, their appropriations are partial, and by acting in concert with the city authorities the money appropriated might be applied more judiciously and with better effect. They therefore submit the following resolution:

Resolved, that a committee be appointed to confer with the different fire insurance companies on this subject.

Mr. FRITZ moved to amend the ordinance by striking out one thousand dollars and inserting two.

Mr. SULLIVAN, moved to postpone the subject for the present, and called for the yeas and nays, which were: Yeas—Baker, Hood, Horn, Okie, Patterson, Ryan and Sullivan—7. Nays—Coryell, Fritz, Leiper, Moss, Murray, Oldenburg, Page, Sexton and Wetherill—9.

Mr. SEXTON moved to recommit the report and ordinance to the same committee, which was agreed to.

## MEETING

### OF THE FRIENDS OF THE PROTECTIVE SYSTEM.

At a very numerous meeting of the friends of the protective system in the city and county of Philadelphia, held on Saturday, May 26th, 1832, in the county court house, and by adjournment for the purpose of accommodating the great numbers assembled, in the Musical Fund Hall.

The Hon. JOSEPH HEMPHILL, was chosen president; ROBERT WALN, MATHEW CAREY, J. P. WETHERILL, and SAMUEL RICHARDS, Esqrs. vice-presidents, and JOSEPH RIFKA, JAS. RONALDSON, and J. SCHOLEFIELD, Secretaries.

The objects of the meeting having been stated from the chair,

PETER A. BROWNE, Esq. addressed the meeting on the important subject which had called them together, defending the great principles of the Tariff, and protesting against the adoption of any measures that would tend to reduce the working classes of this country to the situation of a large portion of those in Europe. He then offered the following resolutions, which were adopted by acclamation.

Resolved, That the constitutional right of congress to protect manufactures, agriculture and commerce, is a point admitted, and no longer, a subject of discussion, the system out of which it sprung, had its origin anterior to the declaration of independence: a steady attachment to it, caused the abrogation of the act of confederation, and the formation of the present constitution: its constitutionality has been legislatively admitted for nearly half a century, during all which time, the people have uniformly concurred in the construction.

Resolved, That we recognize the right of no tribunal but the *Judiciary* to decide upon the constitutionality or the unconstitutionality of an act of congress; and that we deprecate, as inconsistent with republican principles, and the true construction of our system, every attempt to put down the expressed will of a majority by threats of opposition to the laws, or of a dissolution of the union, and thus by means of intimidation to force the powers of government into the hands of a minority.

Resolved, That we are opposed to the bill from the Secretary of the Treasury, because it aims a blow at the prosperity of our country, is alike injurious to its agricultural, manufacturing and commercial interests, and especially destructive of the comforts and happiness of the *working classes* of our fellow citizens.

Because it injures the *farmer and wool grower* in depriving the former of a larger market for that surplus produce which the manufacturing nations of Europe will not take of him, and ruins the latter in the destruction of more than half his sheep and of the value of the lands on which they are fed; the capital invested in which, being worth above one hundred millions, and the annual value of his wool more than twenty millions of dollars.

Because it admits the importation of *woollen yarns* at the same duty as the raw material, and thus destroys the use of American wool, by giving to the foreign wool grower, carder, spinner and dyer, the supply of such of our factories as shall survive the shock of this measure.

Because it injures the *woollen manufacturer*, by depriving him of the earding, spinning and dying of the woollen yarn, of which his cloths will be made; by the repeal of the *minimum system*, his great protection; by the almost total destruction of the manufacture of *satinets*, which consume nearly half the wool raised in the United States: by the reduction of the duties on cloths, so as to invite a ruinous competition abroad, and expose him to all the fluctuations of foreign markets, and to the overflowsings of the surplus manufactures of foreign nations, and by the destruction of the larger part of a capital of 60 millions of dollars invested in the woollen business.



Because it injures the *manufacturer of cotton*, by the destruction of the manufacture of satinets, rouen cassimeres and other mixed goods, which now afford him a market for 4 millions of pounds, or nearly half the yarn he spins and sells; by its effect in contracting the expansion of his business into the finer fabrics, and driving those who now produce them, back upon the coarser, which are at this time, from the severe domestic competition greatly depressed: and by the repeal of the protection on *cotton yarn*, which will admit the article again from abroad, made of East India cotton, to the manifest injury of the spinner of the north, and the cotton planter of the south.

Because it injures the *manufacturer of iron*, at a time when, from increased skill, a larger investment of capital, a cheaper communication with the seaboard, and the use of bituminous coal; he is about to furnish the general consumer, with a larger supply of his invaluable and national product, than heretofore.

Because it injures the *workers in iron*, by supplying the market with the more showy but inferior manufactures of Great Britain, at prices ruinous to the mechanics of this country.

Because it injures the *manufacturer of drugs, glass and chemicals*, among the most successful efforts of the skill and ingenuity of our countrymen; and permits the importation of these articles at low rates or duty free; many of which will be imported as ballast.

Because it injures the *manufacturer of hats, caps, and bonnets*, and destroys a large amount of labour, generally considered a clear gain to the country, viz: *that of females*, which in these articles alone, produces an annual value of near three millions of dollars.

Because it injures the *manufacturer of leather*, whose various fabrications create annually an amount greater than that of the whole cotton crop.

Because it injures or destroys the *manufacturer of salt, sugar*, and cotton bagging, side arms, brushes, vessels of copper, hair cloth, matting, oil cloths, slates, quills, pencils, umbrellas, and numerous other articles, on whose production, so many of our mechanics and laborers depend for their subsistence: But above all,

Because it strikes a blow at the *wages* and the employments of the *working classes*, which will bring poverty and desolation upon them and their helpless families.

Resolved, That we are opposed to the bill reported by the committee of manufactures, in the house of representatives, because it is generally similar in its provisions, and obnoxious to the same objections as the bill of the secretary of the treasury; because in the change of duties which it proposes on wool and woollens, it destroys the efficiency of the protective duty to the wool-grower, by diminishing his market, in the omission of an adequate protection to the woollen manufacturer: the duty on woollen yarns being the same, and on flannels, baizes, and some other descriptions of woollens, being less than is imposed on the raw material; and because it admits *all* manufactures of wool, or of which wool is a component part, costing not more than 40 cts. at a duty of 5 per cent. when the object of a reduction of duty on negro clothing, might have been accomplished by the admission at 5 per cent. duty only of articles milled and fulled, and composed entirely of wool—and the manufacturer of satinets, and other fabrics of mixt materials, thus have been preserved from injury without impairing the object of this provision for a reduction of duty.

Resolved, That the free American workman, who lives well, and commands all the comforts and many of the luxuries of life, cannot be expected to manufacture as cheaply as the ill fed operative of Europe: that, much as we deprecate any legislation that shall equalize the value of our free labor with that of foreign paupers, we deprecate still more the *pauper morals* that must necessarily follow such a course, and we hold any man or party of men who seek to reduce our working

classes to this state of poverty, dependence, and immorality, to be enemies of *their* welfare especially, and hostile to the prosperity of our common country.

Resolved, That the invidious distinctions proposed by this bill, in aiming at the ruin of some branches of manufactures while others are touched with a more sparing hand, are regarded with a like repugnance by those who suffer least and those who suffer most; that the interests of all are equally concerned in the protective system which was enacted for the common benefit, and *that its friends will stand or fall together*.

Resolved, That the proposed diminution of duties, and consequent increase of importations, will necessarily, for a time, increase the revenue, and afford a future pretext for repealing altogether the protection upon articles in the fabrication of which our citizens and artisans emigrating from foreign countries find their only support.

Resolved, That in the general prosperity of the United States, so publicly proclaimed and so universally admitted, the evidences of which, as regards ourselves, are all around us; under and during this system of protection; we see no reason for its modification or repeal; and the only check to its current among our trading community has arisen lately from the practical effects of what is denominated *free trade*, in excessive importations, which have caused a large amount of specie to be exported, bank accommodations to be seriously curtailed, and embarrassment and bankruptcy brought upon many of our citizens.

Resolved, That, while a large number of the citizens of the United States have, under the faith of the government, been led by the protective laws to quit other pursuits and invest their capital in manufactures, we hold that a repeal, or a serious modification of the protective system, will be an act of the grossest injustice, and is calculated to impair that confidence which this people have in their government; and we believe that any *compromise* of this question involving *serious sacrifices*, will not be *permanent*, and that nothing short of protection to their various interests will ever satisfy the majority of the community.

Resolved, That convinced of the constitutionality of the protective system, and satisfied by experience of its expediency, as a measure of national policy; we deprecate any abandonment of the principle, to the visionary speculations of theorists, the selfish views of party politicians, or to the factious clamors of a small part of the nation, and that we will ever oppose all measures substituting the labor of foreigners for that of our own citizens, engaged in the various branches of mechanics, manufactures, and agriculture.

Resolved, That the bills of the secretary of the treasury, and of the committee on manufactures of the house of representatives, in alteration of the tariff, would be injurious to the farming, mechanical and manufacturing interests of this state, and are contrary to the unanimous opinion of Pennsylvania as expressed by her legislature, and that, therefore, our senators and representatives be requested strenuously to oppose their passage. That the said bills are in their provisions much more objectionable than the bill reported in the senate by the committee on manufactures, although the latter, in a spirit of conciliation, concedes much to a part of the southern states, which the interests of the rest of the nation might require to be retained.

The following resolution was then unanimously adopted—

Resolved, that the thanks of this meeting be given to P. A. Browne, Esq. for his able address introductory to the resolutions.

On motion of J. F. Leaming, Esq. it was

Resolved, that the resolutions and proceedings of this meeting be published in all our daily papers, and that Messrs. Samuel Richards, James Page, and J. J. Borie, be a committee to forward the same to our senators and representatives in congress, and to the chairmen of



the committees on manufactures of the Senate and house of representatives.

JOSEPH HEMPHILL, President.

ROBERT WALN,  
MATHEW CAREY,  
J. P. WETHERILL, } Vice Presidents.  
SAM'L. RICHARDS, }

Joseph Ripka,  
James Ronaldson, } Secretaries.  
J. Scholefield, }

From the National Gazette.

## MUSICAL FUND SOCIETY OF PHILADELPHIA.

At the annual meeting of the society held pursuant to the provisions of the charter, at the Hall of the Society, on the 1st of May 1832—the following report was presented from the joint board of officers, which was directed to be published.

F. G. SMITH, Chairman.

GEO. CAMPBELL, Secretary.

### ANNUAL REPORT.

In compliance with the provisions of the by-laws, the joint board of officers of the Musical Fund Society, present a statement of their transactions during the last year.

When the preceding annual report was made, the board were under the necessity of calling the attention of the society to the unfavorable situation of its affairs. This had not arisen, as they were well aware, from any defects in the plan originally adopted, nor from any want of zeal in pursuing it, but from the operation of circumstances in themselves rather to be regarded as advantageous. The efforts of the society had produced a remarkable change in the community, with regard to music. A taste for that beautiful branch of the Fine Arts, if it was not created, was at least developed to a great extent; and, from this cause, the attention of those members of the society, who had been the supporters of the practisings and of the Academy of Music, became necessarily, to a considerable extent, diverted. The same circumstances were found to produce a similar effect on the public exhibitions of the society. Much difficulty occurred in making the necessary arrangements, and especially in securing the attendance of the professional members. The plan which had been adopted for the concerts and other musical performances was found to be inefficient, and, as a natural consequence, the benefits which the institution had derived from them, were greatly diminished.

These facts, well known to many members of the society, rendered it expedient to make a change in the arrangements, corresponding with the change of circumstances. Accordingly meetings of the society were called, committees were appointed, and important alterations made in the by-laws, both with regard to the Academy of Music and the Orchestral regulations.

The first change adopted was the abolition of the Academy of Music, it having been found extremely difficult, if not altogether impossible, in the existing state of our community, to introduce with success the system of mutual instruction, which was contemplated when the Academy was organized; and it being a subject of considerable doubt, whether a mere reduction in the price of musical tuition, which was ascertained to be all that was practicable, would be just towards the professional members, or entirely consonant with the objects of the society. Independent of these considerations, the Academy had become a source of considerable expense, and this expense, had not been met in the manner or to the extent that was probably contemplated when it was organized. Our resources were therefore diminished, and we were rendered less able to fulfil the purposes originally contemplated, especially the benevolent ob-

jects which may justly be regarded as those for which the society was founded, as much as for the cultivation of taste, and the patronage and improvements of the arts.

The other principal change adopted, was the abolition of the instrumental practisings, which were previously appointed to be held once a month during the winter and spring; and the vocal rehearsals, which it was intended should take place as often during the same period. The reasons that give rise to this change were, the great and increasing difficulty of securing that attention which was necessary on the part of the professional members, not, as has been observed, from any want of interest and devotion to the main objects of the institution, but from the sacrifices it required on their part, which perhaps were scarcely compensated by the advantages that were derived from them to the society. Of the propriety of this measure, the board have as yet seen no reason to doubt.

In lieu of the provisions thus obliterated, several new ones were introduced, the general nature of which it may be proper to state, as they have become a regular part of the organization of the institution.

The musical term has been lessened from eight to six months, and has been thrown more into the winter season, a change which experience had proved to be particularly expedient. The performances of the society have been arranged so as to take place once a month during the term, and consist of three public and three private concerts, in the alternate months from October to March; the necessary rehearsals being regulated by the conductors. At these concerts the right of admission of members and their privileges remain unchanged; but after due consideration, it was deemed altogether expedient to limit the admission of persons not being members of the society, exclusively to such as do not reside in Philadelphia, and such as the privilege may be extended to by express regulations made from time to time, by the joint board of officers. The advantages of this arrangement were alluded to in the last report, and the board have seen no reason to doubt them.

The abolition of the Academy of Music made some changes necessary in the regulations for the performances of the society. Till that time, the orchestra was composed of professors, amateurs and pupils, who attended or not, as their convenience or their zeal dictated. The Academy had in this respect contributed not a little to the performances of the society,—and when it ceased, it became necessary to make heavier claims than formerly, on the time and services of the professional members. It was thought too, that the benefit thus derived by the society, might be obtained at the expense of gentlemen who were much and profitably occupied, and that, therefore, there was some injustice in requiring their aid with greater inconvenience to themselves, than was absolutely necessary. With this view, it was determined that every professional member should receive a pecuniary compensation for his services. In order that this change may be made to coincide more fully with the main intentions of the institution, each professional member engaged in the performance, is entitled to be credited on the books of the treasurer for his services, at the rate of three dollars for every public concert, and two dollars for every private one. The compensation of conductors, both of the vocal and instrumental departments, is placed at double those amounts. At the end of the season, the performer is at liberty to receive the sum which is thus due to him, or, should he so prefer, interest at the rate of five per cent. is added yearly to the amount, and the fund remains at his disposal, in addition to that which he may be entitled to receive, according to the previous regulations of the society. To enforce these provisions, which, it will be seen, are peculiarly calculated for the benefit of the professional members, some increase has been made in the fines heretofore imposed; but a stronger security exists in the evident advantage that is derived from



them, not only to the individuals, but to the society at large.

These, it is believed, embrace all the important variations that have been made during the last year. That they may produce the desired effect, in renewing the utility of our excellent institution, it is scarcely necessary to say, is the hope of all of us,—but beyond this, the board do not think they err in asserting that they already promise effectually to do so.

The financial situation of the society will be seen in the reports of the treasurer, which are herewith presented. They exhibit both the receipts and expenditures of the last year—and a general view of the funds and property of the institution.

It will be seen that there is an increase in the receipts from the concerts, as compared with the preceding year, of nearly eight hundred dollars, although the additional expense incurred by the society has not been considerable. Though the appropriations made to the reduction of the debt have of late been small, yet they are gradually continued, and we may indulge a fair expectation of its extinction at no very remote period.

The different boards were organized, according to the provisions of the charter, on the fourth of October last, by the appointment of the following officers, viz:

#### DIRECTORS OF MUSIC.

Chairman—Mr. Benjamin Cross.  
 Secretary—W. H. W. Darley.  
 Curators—Messrs. Standbridge, Catlin, and Frederick.  
 Vocal Conductor—Mr. B. Cross.  
 Vice Conductors—Messrs. Loud and Taws.  
 Instrumental Conductor—Mr. C. F. Hupfeldt.  
 Vice Conductors—Messrs. Schetky and Homman.

#### MANAGERS OF THE FUND.

Chairman—Mr. W. Y. Birch.  
 Secretary—Mr. W. M'Ilhenny.  
 Com. of Finance—Messrs. Barnes, Montelius, and Keating.

Com. of Distribution—R. Smith, Underwood, Strickland, Richards, Cathrall, M'Ilhenny and G. W. Smith.

The board cannot close this report, without paying a tribute of respect to the memory of two officers of the society, who have died since the last annual meeting, Benjamin Carr, and George Schetky. Associated with us from the commencement of the institution, devoting to it their time, talents, and professional skill, they were foremost among those who enabled it to give evidence of the musical taste and acquirements of Philadelphia. The compositions of Mr. Carr, will long be admired for the feeling and harmony with which they appeal at once to the heart; and his own memory will be sincerely cherished by all who esteem a character singularly generous, benevolent and accomplished.\* All the associates of Mr. Schetky will unite in the tribute which is paid to his excellence as a performer, and his amiable qualities as a man.

WILLIAM P. DEWEES, President.

#### WILLIAM PENN.

Perhaps the young reader can find no stronger example of fortitude and practical wisdom in the annals of history, than the life of the excellent person whose name stands at the head of this article. There may have been characters more brilliant; Alexander and Cæsar and Napoleon, are memorable for the splendid mischiefs they occasioned, but the fame of William Penn, stands on a more solid basis than theirs. He is famous among the sons of men for his blameless life, his sterling piety,

\* The sense entertained by the society of his valuable services and of his individual worth, has been testified by a monument, which they have caused to be erected to his memory, in the grave-yard of St. Peter's church, where he is interred.

and the good he wrought for his fellow creatures. Admiral Sir William Penn, the celebrated father of a more celebrated son, was actively employed in the British Navy, under the Parliament and Charles the II. He was early inclined to maritime affairs, in which he so distinguished himself that he was a captain at twenty-one-years of age, rear-admiral of Ireland at twenty-three, vice-admiral at twenty-five, and vice-admiral of England at thirty-one. Other great trusts he held, and was employed by both contending parties, the Parliament first, and the King after his restoration; yet he took no part in the domestic troubles, having always in view the good of the nation, rather than the interest of a party. He married the daughter of a merchant at Rotterdam, and William Penn was the issue of the marriage. He died in 1691, of complaints brought on by incessant application to his public duties.

The memorable William, son of Sir William, was born in London, in 1644. His early promise was such, that his father resolved to give him a liberal education, and he became a member of Christ's Church College, in Oxford, at fourteen.

About this time he became imbued with the vital spirit of religion, in which he received instruction from a Quaker preacher, and consequently joined that sect with heart and soul. He withdrew from the communion of worship established by law in Oxford, and held private religious meetings with those of his own belief. This gave offence to the heads of the college, and he was persecuted for non-conformity. As he refused to submit, he was expelled from Oxford, and returned home, where he constantly showed a preference for the company of sober and religious persons. His father, who was more of a man of the world, tried every effort to induce him to abandon his fellowship with the Quakers, thinking it would be a great obstacle to his preferment. But persuasion, and even stripes, had no effect to make the young man forsake his principles, and he remained a shining example of moral and religious purity in a corrupt and licentious age. At last, his father became so incensed at his firmness, that he turned him out of his house. This is, perhaps, the only eminent instance of a son punished by a father for perseverance in well doing.

The young William bore his misfortunes with meekness and patience, so that in a short time his father's affections were restored, and he was shortly after sent to make the tour of France. He returned so good a scholar, and with manners so polished, that his father considered the object of his travel answered and received him with great satisfaction. Indeed he had become a complete and accomplished gentleman.

At the age of twenty, he was strongly tempted to give himself up to the pleasures of fashionable life; but the care of Almighty Providence strengthened his early impressions, and prevented his virtues and talents from being lost to the world. Two years after, he sent him to Ireland to take care of an estate he had in that country, and here he entered into full communion with the Friends. This was partly caused by his being imprisoned, together with several others, for attending a religious meeting. He was soon discharged at the intercession of the Earl of Orrery, and immediately assumed the dress and manners of a quaker, which subjected him to infinite ridicule and contempt.

Hearing what he had done, his father sent for him home, and did his utmost to persuade him to abandon the profession he had assumed, and it cost his affectionate heart a hard struggle to withstand the entreaties which his father addressed to him, hoping to persuade him to study for worldly advancement. However, he did resist, and that to a degree we cannot altogether approve.

One thing on which Sir William insisted was that, his son should take off his hat before the king, the duke of York, and himself. Undoubtedly, it would have done him no harm to comply, but he thought such a piece of



civility wrong, and desired time to consider. Thinking he meant to consult with his quaker friends, his father forbade him to see them, and shut him up in his chamber, where he told him he should be ready to give his answer. After some time given to reflection, he told Sir William that his conscience would not suffer him to comply with his desire. This so enraged the father, that he again turned him out of doors. This conduct might be wrong, but it cannot be doubted that the young man acted conscientiously, and did what he thought his duty.

After this, his father became convinced that his conduct arose from a regard to principle, and not from perverseness or obstinacy, and therefore suffered him to return home. And whenever he was imprisoned for attending quaker meeting, as he frequently was, Sir William contrived to get him released.

In the twenty-fourth year of his age, William Penn felt himself called by heaven to preach to others, those principles in which he himself trusted, and that self-denial, and moral purity which he practised. He therefore began to hold forth in public meetings. He also wrote and published several works, one of which so much offended the dignitaries of the established church, that they procured an order to imprison him in the tower of London, where none of his friends were permitted to visit him; and he was told that he should either make a public acknowledgment of his errors, or die in prison. But his enemies could not prevail with him, and in something less than a year he was released.

In the same year he went again to Ireland, where he visited certain quakers, who were in prison on account of their religion, and endeavored to procure their liberation. He also wrote and published several treatises, preached in public, and yet found time to manage his father's estate. In a short time he returned to England, where he soon found opportunity to distinguish himself by his firmness and talents.

In 1690, a law was passed forbidding the assemblage of persons not belonging to the church of England, for purposes of religious worship. It was rigidly enforced against the quakers. They were kept out of their meeting house in London, by main force, and therefore held a conventicle in the open street. William Penn preached to them on that occasion, for which he was taken into custody, and soon after tried, at the court of Old Bailey. Notwithstanding the partiality and tyranny of his judges, he showed so much manly and Christian magnanimity, and made so excellent a defence, that a jury acquitted him. The trial was printed, and remains to this day a monument of honor to William Penn, and of infamy to his violent and unjust judges.

Not long after this his father died, perfectly reconciled to him, and left him his blessing and a large estate. He then engaged in controversy with certain Baptists, and wrote a book against popery. This he did because he had been accused of favoring the Roman Catholic religion.

Towards the end of the year 1670, William Penn was again taken into custody by a band of soldiers, for preaching, and carried to the tower. His behaviour at the examination before the lieutenant of the tower, was remarkably bold and spirited. That officer having told him that he had been as bad as other people, made this reply; "I challenge all persons on earth, to say that they have seen me drunk, heard me swear, lie, or utter an obscene word. There is nothing more common than for men of loose lives to comfort themselves with the conceit that religious persons were once as bad as themselves." However, he was committed to Newgate for six months, after which he went to Holland and Germany. In 1672, he married a Miss Springett, and fixed his residence in Hertfordshire. Here he remained several years, writing, and preaching to the quakers, and upholding them on all occasions. He also made several visits to different parts of Europe.

We now come to William Penn's instrumentality in

settling America. In 1675, Lord Berkley, the original proprietor of New Jersey, sold his interest in that province to a quaker, named Billinge, who soon after surrendered his right to his creditors. William Penn was one of them, and thus became one of the chief instruments in settling the west part of New Jersey. And it must be said here, that the quakers engaged in this settlement never defrauded the Indians or did them wrong.

It seems, that when admiral Sir William Penn died, the British government owed him a large sum of money. William Penn petitioned king Charles to grant him, instead, that part of America, now called Pennsylvania. The land was given to him in 1680, and it became his property as far as the British government could make it so. Having thus obtained this grant, he offered lands to those who might be willing to settle on them, at forty shillings an acre. A good number of purchasers soon appeared, and in the next year three shiploads of them crossed the Atlantic.

Two years after William Penn, or as he was then called, The Proprietary, crossed the ocean himself, and entered into treaties with the Indians, for he did not think, as some have done, and do, that the savages had no right to their lands. Then was laid the foundation of that friendship with the savages which lasted as long as the quakers had any power in the government of Pennsylvania. William Penn treated the Indians with justice and humanity, never taking from them any thing for which he did not fairly pay, and his name is held in great respect among them to this day.

The proprietary also laid out the plan of the city of Philadelphia, within a year after his arrival.

William Penn remained in Pennsylvania four years, settling and establishing the government, and doing good to all men, especially to the quakers. At the end of this time he appointed a commission, consisting of a president and five judges, to govern in his absence, and departed for England. For some years after he continued to reside in England, where he uniformly made the cause of the quakers his own. Having obtained the favorable regard of the unfortunate James II., he was suspected of an inclination towards popery, and he was much and often villified by polemical writers; however, he wrote often and ably in his own defence. After the abdication of the Catholic sovereign, and the accession of King William III. to the throne, he was accused of a clandestine correspondence with the former, intended to bring James and popery into England together. Though nothing could be more false, this calamity gained weight by repetition. Mr. Penn became displeasing to the reigning monarchs, William and Mary, and in 1692, he was deprived of the government of Pennsylvania.

In the course of the year, the proprietor was enabled to prove his innocence, and his government was restored to him in 1694, just after the death of his wife. As he was considered a very useful member of society, on account of his writings, &c. he was further honoured with the appointment of a solicitor for the government, for the relief of his friends the quakers, whose business he was thus enabled to conduct. He this year appointed Markham his deputy governor over the province of Pennsylvania.

In 1796 he married a religious young lady of many good qualities, named Hannah Callowhill. He lived with her all the rest of his life, and they had four sons and a daughter. Four years after he sailed with all his family for Pennsylvania, having left a farewell address to his beloved Quakers in Europe, in which he assured them that his love for them "passed the love of woman."

On his arrival at Philadelphia, he took measures for the benefit of the negroes and Indians, whom he very much desired to protect and instruct in the truths of the gospel. Hence a meeting of the negroes for this purpose was appointed to be held once a month, and he



agreed to dwell in perfect peace with the savages, promising to suffer no wrong to be done them, and they agreeing to offer none to the whites. At far as he was able, he caused good examples to be set for their imitation. Nor was this the only good he did in Pennsylvania. He did justice to all men, settled disputes, and, in short, so governed the province, that his very name was blessed by all. After remaining in Philadelphia five years, he gave the inhabitants a charter, or grant, of all the privileges he could reasonably confer on them, and then sailed for England, where, on the death of King William, he became a favorite of his widow, the reigning Queen Anne.

Henceforward, Governor William Penn lived in his usual manner in England, that is, in the constant observance of virtue and religion, and the practice of good works. During the last five years of his life, his infirmities rendered him almost incapable of public business, but he continued firm in his early principles and reliance on Divine goodness to the last. His life was full of benevolence and service to mankind, both in a religious and civil capacity. The flourishing and happy state of Pennsylvania may speak of his goodness, and his printed life to future ages, showing that an honorable, nay, glorious fame, is not inconsistent with peace, christianity, and the uniform exercise of every moral virtue.—*N. Y. Traveller.*

From the Harrisburg Reporter.

#### CANAL FREIGHT AND PACKET BOATS.

In conversation with Mr. David Leech, of Armstrong county, a few days since, he informed me, that he was about commencing to run a line of freight and packet boats, between Huntingdon, and Philadelphia. Two of those boats are now finished, and lying at Huntingdon. One of them, the "William Lehman," will arrive at Harrisburg on Saturday or Monday next. Having travelled in one of Mr. Leech's boats on the western section of the Pennsylvania canal, and knowing that this kind of boats is new in this part of the state, I take pleasure in giving a small description of them.

These boats are constructed according to the most approved plan of those used on the New York and Erie canal. Those to run between Huntingdon and Harrisburg, are as large as the locks will admit. Those between Harrisburg and Philadelphia, are smaller, to suit the Union canal locks. The largest are 79 feet long; and will carry 25 passengers, and 30 tons of freight, to be drawn by two horses. The apartments are these: a ladies' cabin in the bow of the boat, calculated for eight persons. This cabin is handsomely decorated, and has tables, chairs, and beds for that number of persons, and is as neat and comfortable as such rooms usually are in steam boats. The next room is what is called the "mid ships," containing the freight. Next is the gentleman's room, large enough for all the passengers; this room, besides a bar, with the choicest liquors, is calculated for a table, at which all the passengers breakfast, dine, and sup, and contains beds or bunks for all the male passengers. The last room is the kitchen, at the steerage where cooking is done in superior style.

Mr. Leech will run four of those boats between Harrisburg and Huntingdon; one to leave each place every day, except Sunday; so that every day, there will be an arrival or departure of one of those beautiful boats, at or from Harrisburg and Huntingdon. An excursion in one of them, from Harrisburg to Clark's ferry, would be delightful.

These boats will run day and night, and will perform a trip of about 65 miles in the 24 hours. From the known enterprize, industry, and accommodating character of Mr. Leech, the public may be assured that no pains or expense will be spared to render those boats a great acquisition to the travelling and trading community.

C.

#### USE OF COAL ON BOARD STEAMBOATS.

Captain Paul Chase, formerly of this town, now resident in N. York, has devoted much attention to the subject, and believes that he has succeeded in making an improvement, by which forty per cent. of fuel may be saved, and the required quantity of steam be obtained. We have received from New York some testimonials in relation to it, which render it highly probable that the invention will result according to Captain Chase's promise. It is stated to us, that by permission, the experiment began the last summer in the steamboat Victory, then running between New York and Hartford, and that the owner of that boat was so well satisfied with the result of the trial himself, that he paid the expense of the necessary apparatus. The engineer of the Victory certifies, that the boat began to use Lackawanna coal in April last; that at first they found difficulty in keeping steam: most of the time they could not obtain more than five inches, and never over seven inches. Since using Chaptain Chase's improvement, in one of the boilers, they have obtained ten and twelve inches readily. The engineer thinks that when the same is applied to both boilers, all the steam can be obtained from the use of coal to work the engine, that can be got from the use of pine wood, with the same degree of attention from the fireman. The Captain and owner of the Victory, both furnish certificates of a similar character.

In regard to the amount of saving, it is stated that the Victory in a trip from N. York to Hartford and back, consumed on an average  $29\frac{1}{2}$  cords of wood at \$4 50—\$132 75. She also made seven trips with coal, averaging 12 tons at \$6—\$72.

It is suggested that the boilers should be of a different construction from the common form; that the breadth should be greater, and the length less than ordinary, and instead of two there should be three arches.

Captain C. has obtained a patent for his improvement, and is prepared to dispose of the right to use it.

If upon further acquaintance with the details of the plan, it should be thought expedient to adapt the boat which is now building for this place, to the use of it, we trust that there would no longer be any doubt as to the profitability of a boat running between this place and the continent.—*Nantucket Inq.*

**LIGHTNING.**—We understand, that the stone farmhouse on the place in Passyunk township, on the banks of the Schuylkill, formerly known as the Hamburg Hotel, was struck by lightning on the afternoon of Saturday, the 19th inst. The electric fluid struck the chimney, split the rafters near it, descended along the stair-case, split the stair-door, and broke several panes of glass. The house that was struck is occupied by the son of Mr. Frederick Sheble, who resides at the Hamburg Hotel.—*Sentinel.*

WILKESBARRE, May 23.

**IMPORTANT DISCOVERY.**—We learn that the bones of those martyrs who fell in the bloody massacre of Wyoming, so long sought for, without success, have at length been found. They lie upon the farm of Mr. Gay, near New Troy, not far distant, we apprehend, from the spot where they met their direful fate. No doubt a suitable monument will now be raised to mark the spot where repose the patriot dead, who so nobly fought in defence of the land which we now peacefully occupy.

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# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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PHILADELPHIA, JUNE 9, 1832.

NO. 232.

## REPORT OF THE CANAL COMMISSIONERS,

*Relative to the Superintendents, Engineers, &c., in the employment of the State, upon the Pennsylvania Canal and Rail-road. Read in the House of Representatives, March 9, 1832.*

CANAL COMMISSIONERS' ROOM, }  
March 9th, 1832. }

HON. JOHN LAPORTE, Esq.

*Speaker of the House of Representatives.*

SIR—In compliance with the resolution of the House of Representatives of the 8th of February last, I transmit the report of the canal commissioners and accompanying tables, containing a list of officers and agents now employed on the Pennsylvania canal and rail-road, and a list of those employed in the year ending on the 1st of January 1832, their pay, and the amount paid to each.

I am yours, respectfully,

JAMES CLARKE,  
President of the Board of Canal Commissioners.

CANAL COMMISSIONERS' ROOM, }  
March 9th, 1832. }

JOHN LAPORTE, Esq.

*Speaker of the House of Representatives.*

SIR—In compliance with the resolution of the house of representatives of the 8th February last, directing the canal commissioners to "furnish a list of all the officers employed by or under the canal commissioners and their assistants, to wit: the engineers, assistant engineers, sub-assistants, target bearers, surveyors, axemen, chain carriers, and all others connected with the engineer department; also, the superintendents, supervisors, assistant deputies and agents under each; collectors, clerks, lock keepers, and all others employed in any of the said departments; and also, to furnish a statement of the salaries and daily pay of all the officers connected with the canal department from the 1st of January 1831, to the 1st January 1832, specifying the pay of each officer and person employed, and whether it be a specified salary, daily or monthly pay, and the whole amount of last year's expenses of the said department;" the following report is respectfully submitted:

Table No. 1, exhibits the names of the superintendents, clerks, engineers, target men, chain carriers, axemen, supervisors, foremen and lock keepers, now in the employ of the commonwealth upon the Pennsylvania canal and rail-road, and the daily pay or salary of each.

Table No. 2, exhibits the names of the superintendents, clerks, engineers, target men, surveyors, draughtsmen, chain carriers, axemen, supervisors, foremen and lock keepers, employed upon the Pennsylvania canal and rail-road, from the 1st of January 1831, to the 1st January 1832; the daily pay of each, and the whole amount paid to each in the said year.

Table No. 3, exhibits the names of the collectors, places at which their offices are kept, compensation, and amount paid to each, from the 1st January 1831, to the 1st January 1832.

By the act of 6th April 1830, the office of acting canal commissioner is abolished, and their places are supplied by superintendents of divisions of canal and rail-road, appointed by the board. The superintendent is

the immediate and direct agent of the board upon his division. He advertises the work, receives and records proposals of contractors, lets and executes all contracts on the part of the commonwealth for work to be done or materials to be furnished, subject to the approbation or rejection of the canal commissioners. He settles and pays the accounts of contractors upon the estimates of the engineer. He reports to the engineer any thing that may appear wrong. He furnishes such materials as the contractors may not stipulate to furnish. He pays damages under the directions of the board. He pays the engineers and other agents employed, and has the general superintendence of the division placed under his care. The superintendents give bonds to the commonwealth with two substantial freeholders as sureties, in the penal sum of fifty thousand dollars, conditioned for faithful accounting of all moneys entrusted to them. Their compensation is fixed by law, at three dollars per day, and their services are only required while the works are constructing. Their accounts are settled in the usual manner by the auditor general.

Clerks are allowed by the board to superintendents, in cases where the business upon a division requires their appointment. They are paid from two to three dollars per day.

By the act of 6th April, 1830, it is made the duty of the principal engineer of each line or division of the Pennsylvania canal or rail-road, to make the necessary surveys, estimates and plans of all the work to be done, and submit them to the board of canal commissioners for their adoption or rejection. To lay out all the work and superintend its execution. To judge of the work of the contractors, and with the consent of one of the canal commissioners, to declare these contracts forfeited, in case of non-compliance with them. To make the estimates of work done for payment, and with the consent of the board, to appoint the necessary assistant engineers, and attend to the faithful performance of these duties. The pay of the principal engineer is limited by law, to two thousand five hundred dollars per annum.

It is the duty of the principal assistant engineers to be always on and along that portion of the division placed under their charge, attending to the execution of the work, and carrying into execution the plans of the principal engineer. They also collect the necessary information and assist the principal engineer in making out the estimates of work done, as well as in all his other duties. The law has limited their pay to four dollars per day.

The sub-assistant engineers carry the levelling and other instruments for taking measurements, are each allowed one target-man, who carries the rod, and an axeman and chainman if required. Each of these parties have about 10 miles of the canal or rail-road in progress of construction, under their particular charge. It is their duty to take the cuttings, embankments, &c. lay out the work in detail, set stakes for the contractors, keep an account of the force employed and progress of the work, take notes and make measurements for estimates. They are required to be constantly on their portion of the division, attending to every part of the work, and carrying into effect the directions of the principal assistant, and principal engineer. The pay of sub-



assistant engineers is limited by law to two dollars per day, and that of target-men to one dollar and fifty cents per day.

Supervisors are officers directed by law to be appointed by the board of canal commissioners, to take charge of such portions of the canals and rail-roads, as shall be finished for public use. Each supervisor has the general superintendence of that portion of the canal placed under his charge. He purchases tools and materials, employs foremen and other hands and teams, plans, supervises, and pays for repairs or necessary new work, and alterations of old work. He employs lock-keepers, and dismisses them for misconduct, subject to the approbation of the board.

Supervisors are required by law to give bonds to the commonwealth, with two or more substantial sureties in the penal sum of five thousand dollars, conditioned for the faithful accounting and settling for the public moneys placed in their hands. Their pay is fixed at two dollars and fifty cents per day. The amount of necessary repairs has hitherto required more supervisors and foremen, to be employed upon the finished portions of the canal, than will be necessary when the embankments are settled, and the work has become permanent.

Foremen are laborers, having charge of the force placed under them by the supervisors. Their number and pay are not fixed; their employment depending upon the exigency of the case, and their compensation upon their mechanical skill, vigilance and faithfulness.

On the east side of the Allegheny mountain, their pay generally is one dollar and fifty cents per day, and on the west side one dollar and twenty-five cents per day, in full of wages, board and personal expenses. No men in this commonwealth are required to be more untiring, vigilant and faithful, than supervisors and foremen.

Lock-keepers have dwelling houses provided for them, and are allowed ten dollars a month for attending a single lock, and two dollars a month for each additional guard or lift lock they attend. Their duties are to take care of their locks, and lock-houses, and preserve them in good order, to keep the water in the canal on the level below them, at a proper height and to pass boats through their locks.

All persons employed upon the canal, are required to preserve it, and to prevent infractions of the laws, and regulations for its protection and government.

An outline of the duties of collectors of canal tolls, is contained in a report made to the legislature of the regulations and penalties adopted by the board, concerning the navigation of the Pennsylvania canal, and the collection of tolls. See Journal H. R. 1830—31, page 359.

The nature of their employment requires that they should be men of capacity, business habits, accuracy and integrity. They give bonds to the commonwealth with sufficient sureties in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties required of them, and for accounting for all moneys that may come to their hands. They keep their accounts in the form prescribed by the Auditor General, and deposit the moneys received by them, at such time and in such manner as the state treasurer directs. Their pay is fixed at thirty dollars per month, and they are allowed house rent not exceeding two hundred dollars a year.

From the annexed tables, it appears that the following sums have been paid in the year ending on the 1st January 1832, upon the Columbia and Philadelphia rail-road, for superintending, engineering, &c. viz:

To Superintendent,	\$1095
Clerks,	820
Engineers,	9310
Target men,	2517
Chainmen and axemen,	2206

The superintendent of the Columbia and Philadelphia

rail-road, has also under his charge as superintendent the Eastern and Delaware divisions of the Pennsylvania canal. The duties of superintendents upon the old lines consist principally of the payment of what is now termed old work, and the payment of damages.

Immediately after the passage of the act of the 21st of March 1831, entitled "an act to continue the improvement of the state by canals and rail-roads," the engineer corps upon the rail-road was increased, so as to prepare the work for letting with the least possible delay, and also to superintend its construction when put under contract; and on the 11th and 18th of May last, forty-one miles and thirty-eight perches of the road bed formation, and thirty-two miles and one hundred and sixty perches of laying a single track of rails, were placed under contract. The work on this road has since been in progress of construction, and the payments have been made to the necessary agents employed in its superintendence.

On the Eastern division, forty-three miles long, there was paid during the year ending on the 1st January 1832,

To Engineers,	\$2687 01
Target men,	711 00
Chain and axemen,	609 50
Supervisor,	912 50
Foremen,	863 60
Lock keepers,	954 00

The engineers, target men, chainmen and axemen, were employed upon the unfinished portion of the canal between Middletown and Columbia, and the supervisor, foremen and lock keepers, on the navigable canal between Middletown and Clark's ferry. The duty of the supervisor includes about ten miles of the Susquehanna division.

During the year ending on the 1st January 1832, there was paid upon the Juniata division, which is one hundred and twenty-seven and a half miles in length.

To Superintendent,	\$1095 00
Clerk,	600 00
Engineers,	7403 20
Target men,	1542 00
Chain and axemen,	1982 00
Supervisors,	2432 50
Foremen,	5557 17
Lock keepers,	3068 67

The superintendent, clerk, engineers, target men, chainmen and axemen, were chiefly employed from shortly after the passage of the act of the 21st of March last, upon the thirty-eight and a half miles of canal and slackwater, and three and a half miles of feeder which were placed under contract on the 1st of June last; and the supervisors, foremen, lock keepers, and one sub-assistant engineer, on the eighty-nine miles of finished canal between Duncan's island and Huntingdon. The number of supervisors and foremen will be greatly diminished when the works become more permanent; during the last year, repairs to a large amount were made upon this division.

There was paid in the year ending on the 1st January, 1832, upon the western division and Allegheny portage:

To the superintendent,	\$1095 00
Clerk,	584 00
Engineers,	7809 50
Target-men,	2028 00
Chain and axe-men,	2103 00
Supervisors,	2652 50
Foremen,	6373 87
Lock-keepers,	5900 07

The superintendent and clerk, and also the engineer and his corps, have been principally employed in the location of the Allegheny portage rail-road, thirty-six miles long, and in superintending the construction of the work. The supervisors, foremen and lock-keepers were employed on the western division, from Johnstown to Pittsburg, a distance of one hundred and five miles. The disasters occasioned by the great flood of



July last, rendered the employment of more foremen necessary than will be required after the breaches by the unprecedented flood of this spring, are repaired.

Upon the French creek division, forty-two miles long, there was paid in the year ending on the 1st January, 1832,

To Superintendent,	\$780 00
Engineers,	2471 75
Target-men,	663 00
Chain and axe-men,	574 00
Supervisor,	444 00

The superintendent, engineer, &c. were employed upon the Franklin line placed under contract under the act of the 21st March last. The supervisor was employed upon the feeder, his duties have been transferred to the superintendent, and the office has been discontinued.

Upon the Beaver division, twenty-five miles long, there has been paid since the corps was organized last spring, for locating and constructing the canal and slackwater,

To Superintendent,	\$783 00
Engineers,	3394 00
Target-men,	730 50
Chain and axe-men,	759 00

The Susquehanna division is thirty-nine miles long, and there has been paid upon it from the 1st January, 1831, to the 1st January, 1832, (a part of this division is included in the supervision of the eastern division, as already stated,)

To Supervisors,	\$887 00
Foremen,	1737 87
Lock-keepers,	1577 83

The repairs at the Shamokin dam and sluice during the last season, required the appointment of more foremen than will be necessary when the works are completed.

Upon the north branch division, which is seventy-two miles long, there has been paid in the year ending on the 1st of January, 1832,

To Superintendents,	\$807 00
Clerk,	316 00
Engineers,	3167 80
Target-men,	870 00
Chain and axe-men,	662 20
Supervisors,	1527 00
Foremen,	2284 70
Lock-keepers,	714 33

Four miles of towing path and thirteen miles of canal upon this division, are new work, on which the engineers were principally employed since last spring. A sluice erected in the Nanticoke dam, and other extensive repairs while introducing the water into the finished portion of the division, rendered the expense of supervision much greater than it will be when the works have become permanent.

Upon the west branch division, which is 66 miles in length, there was paid in the year ending on the 1st January, 1832,

To Superintendents,	\$1095 00
Clerk,	650 00
Engineers,	6175 86
Target-men,	1230 00
Chain and axe-men,	1099 50
Supervisor,	637 50
Foremen,	1407 54
Lock-keepers,	550 00

The superintendent, clerk, and corps of engineers, were principally employed upon that part of this division which was authorised to be placed under contract by the act of the 31st March last. From Muncy dam to the Bald Eagle and including the Lewisburg Cross cut, a distance of forty-two miles. The supervisor,

foremen and lock-keepers were employed upon the division from the Muncy dam to Northumberland.

Upon the Delaware division which is 59½ miles in length, there was paid in the year ending on the 1st January, 1832:

To Superintendent,	\$93 00
Engineers,	1186 00
Supervisors,	1825 00
Foremen,	3696 57
Lock-keepers,	688 66

The very extensive repairs upon this division during the past season, required the employment of an adequate force; every exertion was made to put the division in navigable order.

As the amount paid for repairs upon the several divisions during the past year, and the nature of the repairs made, account for the number of supervisors and foremen employed, the board respectfully refer the house, for more full information upon the subject, to a report made by the canal commissioners upon the subject of repairs in detail, on the 6th instant, in compliance with a resolution of the house of representatives.

The whole amount paid to collectors of canal tolls and to collectors at bridges and aqueducts, in the year ending on the 1st January, 1832, is \$4,354 53.

All which is respectfully submitted.

JAMES CLARKE,  
*Pres't Board Canal Commissioners.*

#### TABLE NO. I.

List of superintendents, clerks, engineers, target-men, chain-men, axe-men, supervisors, foreman, and lock-keepers, &c. now in the employment of the Commonwealth, upon the Pennsylvania canal and rail-road.

#### COLUMBIA AND PHILADELPHIA RAIL-ROAD.

##### NAMES, STATION, AND COMPENSATION.

John Barber, superintendent, \$3 per day; George Beatty, clerk, 3 do; John Wilson, principal engineer, 2500 per annum; Henry R. Campbell, princ. assistant engineer, 4 per day; Wm. H. Wilson, do do 3 do; Robert Petit, inspector materials, 3 do; J. Brenton Moore, sub assistant engineer, 2 do; Wm. J. Lewis, do do 2 do; John John C. Troutwine, do do 2 do; Wm. W. Torbet, do do 2 do; Richard Peters, jr. do do 2 do; James Moore, do do 2 do; Samuel W. Mifflin, do do 2 do; James R. M'Corkle, target-man, 1 50 do; Robert Blake, Thomas C. James, do do 1 50 do; Henry Nixon, jr. do do 1 50 do; Edward Tilghman, do do 1 50 do; James Glen, do do 1 50 do; Daniel Griffin, do do 1 50 do; Valentine Wats, axe-man, 1 do; George W. Boude, do do 1 do; Robert Dawson, do do 1 do; Enoch Davis, do do 1 do; Mahlon Mercer, do do 1 do; John Gonter, jr. do do 1 do; C. T. Hagar, do do 1 do.

##### EASTERN DIVISION.

##### NAMES, STATION, AND COMPENSATION.

John Barber, superintendent, paid upon rail-road; Anthony B. Warford, principal engineer, \$1750 per annum; Julius A. Jeger assistant do; Vaughan A. Smith, target-man, 1 50 per day; John Enney, axe-man, 1 do; John C. M'Allister, supervisor, including part of the Susquehanna division, 2 50 do; Charles Blanchard, foreman 1 50 do; Hoptill B. Blanchard, do 1 50 do; Martin Walborn, lock-keeper, 10 per month; Peter Shafer, do 10 do; David Zimmerman, do 10 do; John List, do 12 50 do; James Bigger, do 10 do; John Nevin, do 15 do; John M'Kissick, do 12 do.

##### JUNIATA DIVISION.

James Taggart, superintendent, \$3 per day; Thomas Painter, do 2 50 do; Edward F. Gay, principal engineer, 2000 per annum; Clarkson Taylor, assistant engineer 3 per day; Rosewell B. Mason, do do 4 do; J. W. Burbridge, sub-assistant engineer, 2 do; Thomas O'Bryan, do do 2 do; Augustus F. Hinch, do do 2 do;



Wm. H. M'Cutcheon, do do 2 do; Charles P. Shannon, do do 2 do; James G. Brown, target-man, 1 50 do; William M. Patton, do 1 50 do; Henry C. Moorhead, do 1 50 do; John Sheaff, do 1 50 do; Theodore Franks, draughts-man, 2 do; Alfred B. Crewet, axe-man, 1 do; George Petri, do 1 do; Simon Ake, do 1 do; Job S. Morris, do 1 do; Robert Stockton, supervisor, 2 50 do; David Cummings, do 2 50 do; J. K. Moorhead, do 2 50 do; James Ross, foreman, 1 25 do; James M. Johnson, do 1 50 do; James Drake, do 1 50 do; Henry Wolf, do 1 50 do; Joel B. Moorhead, do 1 50 do; Jacob Beck, do 1 25 do; Joseph Edmiston, do 1 25 do; James Edmiston, do 1 25 do; Henry Landis, do 1 50 do; George Gearhart, do 1 50 do; William Brown, do 1 50 do; Edward Garvin, do 1 50 do; Daniel Sweitzer, lock-keeper, 15 per month; John Reynolds, do 10 do; Benjamin Bonsall, do 10 do; William Reader, do 10 do; George P. Louder, do 10 do; David Miller, do 10 do; Joseph M'Naughton, do 10 do; John Keesbury, do 10 do; Elisha Haines, do 12 do; John Troup, jr. do 10 do; Andrew Galbraith, do 10 do; Jacob Fritz, do and aqueduct 20 do; George Vanzant, lock-keeper, 12 do; John Riley, do 12 do; John Varntz, do 12 do; Robert Robinson, do 12 do; Thomas Ains, do 10 do; Henry Wolf, do 10 do; Robert Barnwell, do 10 do; Samuel Brown, do 12 do; James M'Dowell, do 10 do; George M'Donough, do 10 do; J. Wiley, do 12 do; John G. Ryan, do 10 do; William Lowe, do 10 do; Thomas Criswell, do 12 do; Owen Owens, do 14 do; John Levi, do 13 do.

#### WESTERN DIVISION AND ALLEGHENY PORTAGE ROAD.

##### NAMES, STATIONS, AND COMPENSATION.

Samuel Jones, superintendent, \$3 per day; M. Harrington, clerk, 2 50 do; Sylvester Weleh, principal engineer, 2250 per annum; W. M. Roberts, principal assistant engineer, 4 per day; S. W. Roberts, do do 3 do; C. H. Randolph, sub-assistent engineer, 2 do; Curtis Dickson, do 2 do; Thomas J. Power, do 2 do; Thomas Gorton, do 2 do; Samuel Kennedy, do 2 do; John L. Armstrong, target-man, 1 50 do; James E. Day, target-man, 1 50 per day; John Anderson, do 1 50; James F. Smith, do 1 50 do; William L. Lafferty, do 1 50 do; F. Tishell, chain-man, 1 do; Charles Ellis, do 1 do; Jesse Morgan, do 1 do; Bernard Duffey, do 1 do; Andrew M'Guire, axe-man, 1 do; Daniel Waller, do 1 do; John Branley, do 1 do; Michael M'Guire, do 1 do; James F. M'Cague, supervisor, 2 50 do; S. S. Jameson, do 2 50 do; Wilson Knott, do 2 50 do; Horace Smith, foreman, 1 25 do; Henry Truly, do 1 25 do; James Hare, do 1 25 do; John Gill, do 1 25 do; Joseph Purse, do 1 25 do; James Wilson, do 1 25 do; N. M'Dowell, do 1 25 do; Voris Huff, do 1 25 do; James M'Laughlin, do 1 25 do; Patrick Sherry, lock-keeper, 10 per month; James M'Cormick, do 10 do; Robert Boyd, do 12 do; Benjamin F. Brewster, do 10 do; John Liggett, do 10 do; J. Slouderbeck, do 12 do; Richard Getty, do 12 do; Daniel Risber, do 12 do; William Smith, do 10 do; Joseph Townsend, do 12 do; Jacob Frick, do 12 do; David King, do 10 do; James Dougherty, do 10 do; Jacob Weiser, do 10 do; Stephen Drury, do 10 do; Robert A. Dunlap, do 10 do; Thomas Johnson, do 12 do; William Russell, do 10 do; Bernard M'Manus, do 10 do; George Kinthead, do 10 do; Alexander Scott, do 12 do; George King, do 10 do; James Getty, do 10 do; William M'Kee, do 10 do; Samuel Crow, lock-keeper, 12 per month; Joseph Gray, do 10 do; George Heron, do 10 do; George Turner, do 10 do; George Shara, do 10 do; Myndart Freeland, do 10 do; John C. Hemphill, do 10 do; Hugh Carigan, do 10 do; Francis Marren, do 10 do; Samuel Cookson, do 10 do; Robert Shepherd, do 10 do; William King, do 10 do; Frederick Kayler, do 10 do; James Fulton, do 10 do; William Means, do 10 do; John Sheridan, do 10 do; William Marlett, do 10 do; Mathias Skelton, do 10 do; William J. Lapsley, do 10 do; John Logan, do 10 do; Origen M'Cabe, do 10 do; James L. C. Louthers, do 10 do; Michael Kelly, do 12

do; John Edwards, do 12 do; Thomas M'Leary, do 10 do; Daniel Zack do 10 do; John Ellis, do 10 do; James Folsom, do 10 do; Andrew Johnson, do 10 do; David Caldwell, do 10 do; Robert Louthers, do 10 do.

#### FRENCH CREEK DIVISION.

##### NAMES, STATIONS, AND COMPENSATION.

John Anderson, superintendent, \$3 per day; Alonzo Livermore, principal engineer, 2000 per annum; B. B. Vincent, assistant engineer, 3 per day; Michael Kennedy, sub-assistent, 2 do; William Moore target-man, 1 50 do; Kennard Hamilton, do 1 50 do; James M'Ewen, axe-man, 1 do.

#### BEAVER DIVISION.

##### NAMES, STATIONS, AND COMPENSATION.

John Dickey, superintendent \$3 per day; C. T. Whippo, principal engineer, 2000 per annum; M. R. Stealy, principal assistant engineer, 3 per day; H. B. Hoyt, assistant engineer, 2 do; Joseph Hoopes, do 2 do; John Power, target-man, 1 50 do; Henry C. Moore, do 1 50 do.

#### SUSQUEHANNA DIVISION.

##### NAMES, STATIONS, AND COMPENSATION.

Lord Butler, superintendent, paid upon the North branch; James Ferguson, principal engineer, do do; Andrew M'Reynolds, supervisor from North'd to Montgomery's, \$2 50 per day; George Herold, Jacob Layr, John Brohel, foremen, each 1 50 per day; Joseph Mapes, Edward Dugan, William Montgomery, William Bergestresser, Jacob Hamilton, John Lynch, Peter Leonhart, Charles L. M'Carty, William Kelly, David Collar, George Martin, Robert Dougal, John Baughman, lock-keepers, each \$10 per month.

#### NORTH BRANCH DIVISION.

##### NAMES, STATION, AND COMPENSATION.

Lord Butler, superintendent, \$3 per day; James Ferguson, principal engineer, 2000 per annum; John Benet, principal assistant engineer, 3 per day; Farnar C. Ingham, George W. Laying, target-men, each 1 50 per day; Oehmig Bird, Charles Saylor, Axe-men, each 1 per day; Ellis Hughs, John Robison, supervisors, each 2 50 per day; William Owen, James Lemon, foremen, each 1 25 per day; Michael Raber, Jacob Cooper, Henry Hess, Casper Hoffman, Paul Hopper, William Snyder, Robert Leyon, Adam Lehman, Joseph R. Johnson, lock-keepers, each \$10 per month.

#### WEST BRANCH DIVISION.

##### NAMES, STATION, AND COMPENSATION.

William B. Mitchell, superintendent, \$3 per day; Jos. J. Wallis, clerk, 2 50 per day; Robert Faries, James D. Harris, principal engineers, each 1750 per annum; Antes Snyder, Edward Watts, principal assistant engineers, each 4 per day; W. E. Morris, W. R. Shoemaker, W. B. Foster, Jacob Antes, sub-assistants, each 2 per day; A. B. Stoughton, W. R. Wilson, John Pearson, Charles Beard, target-men, each 1 50 per day; William M'Clintock, William Hamilton, chain-men, each 1 per day; Jacob Hogendobler, Moses Henry, axe-men, each 1 per day; Thomas Follmer, supervisor, 2 50 per day; Benjamin Reed, George Snyder, Jacob Kline, Jonathan Martz, Michael Seckler, lock-keepers, each 10 per month.

#### DELAWARE DIVISION.

##### NAMES, STATION, AND COMPENSATION.

John Barber, superintendent, paid upon rail-road; Josiah White, engineer, \$4 per day; John Carey, Simpson Torber, supervisors, each 2 50 per day; Owen Sullivan, Michael Burk, Michael Halpen, Farrell Gallegan, foremen, each 1 per day; John J. Hibbs, Elias Gilkenson, lock-keepers, each 12 per month; Daniel Kirgan, William Brown, Dennis Nicholson, David Kirgan, Samuel Daniels, each 10 per month.



# EXAMINATION OF THE PRESIDENT OF THE UNITED STATES BANK.

(Continued from page 311.)

## QUESTIONS ON THE SUBJECT OF BRANCH BANK NOTES AND DRAFTS.

1. Since you began to issue branch drafts, it appears that your circulation has increased many millions: do you think it would have increased so rapidly if you had continued to issue none but notes signed by the president of the bank?

If branch drafts had been issued, no notes at all could have been issued, from the mere physical impossibility of preparing them. But branch drafts do not increase the circulation more than branch notes would.

2. Does not issuing branch drafts and notes, redeemable at your interior offices, enable you to sustain in circulation a larger amount than could be sustained if your notes were issued and redeemable principally at the offices on the Atlantic?

The circumstance that both are payable where they are issued, and not merely at the Atlantic branches, by giving them more value, increases the demand for them. They are now used both for local currency and for remittance. If they were stript of their character of currency by not being redeemable where they were issued, they would lose part of their value; but then the western and southern states would be deprived of the great advantage of having them for circulation.

3. What was the amount of notes issued from the offices at Baltimore, Philadelphia, New York, and Boston, which were in circulation on the 1st of January last, and what the amount for all the other offices?

For the offices mentioned,	4,600,559
The other offices,	16,647,931
Totals,	\$21,248,490

4. When over-trading occurs, from whatever cause, does it not draw into the large revenue ports on the Atlantic, a large amount of these interior bank notes and drafts, which press severely upon the offices at Baltimore, Philadelphia, New York, and Boston?

No: It may produce the directly contrary effect. If the over-trading consists in large purchases of western and southern produce, the Atlantic notes would be carried to the south and west. I am not aware that any great inconvenience has been suffered from this cause.

5. You have stated to the committee, that the parent bank redeemed \$5,398,800, and that the branch bank at New York, redeemed \$13,218,635 of branch notes and drafts during the last year—is it your opinion that the branch at New York, would have been able to redeem thirteen millions of the notes of other branches, in one year, if any circumstance had occurred to excite alarm?

This is a question difficult to answer. The redemption took place in the ordinary course without any inconvenience, as it has taken place often before. But it is quite impossible to say what would have been the effect of any "circumstance to excite alarm." If it be meant alarm on the part of the bank, all that can be said is, that that may be done safely if it be done coolly, which cannot be done at all if the agent is alarmed. If by alarm be meant the alarm of the community, alarm is often the best security against danger.

6. If the offices at Philadelphia, New York, and Boston, found it difficult to pay their notes in specie, and receive these branch notes for revenue in 1819, when the whole circulation of the bank was about six millions would it not have been under similar alarm, more difficult in January last, with a circulation amounting to near twenty-five millions?

It would not have been more difficult but more easy, because the resources of the bank were much greater in

proportion than the increase of the circulation. The circulation, moreover, was not twenty-five, but twenty-one millions.

7. When too large an amount of these branch notes press upon the offices here and in New York, is not the bank compelled to curtail its facilities to southern and western traders?

The question still remains what is "too large an amount." A large amount—a very large amount, does not compel curtailments to western and southern traders, for this obvious reason. These branch notes are brought or sent to these very western and southern traders either to buy goods or to pay for goods previously bought, so that these branch notes themselves are better than discounts to western and southern traders, and supersede the necessity for them. The arrival of the branch notes is the signal of relief to the western and southern traders.

8. So long as the bank continues to enlarge its circulation through its interior offices, and the branch at New York is bound to receive the whole of these branch notes if presented in payment of revenue bonds, must there not be periodically a pressure on that branch which must re-act on all the offices in towns or cities trading with New York?

Not necessarily nor naturally. Every branch is bound to redeem its own paper, and the branches whose notes are received at New York, remit bills of exchange to cover them: For instance, the branch at New York, has received during the year 1831, \$13,219,635 of branch notes and drafts, yet the branch of New York was at the close of the operation in debt \$1,622,819 05 to those branches, because they had provided by remittances to meet their notes.

In point of fact, I do not think that there has existed any such periodical pressure.

9. Does not such a plan of general circulation inevitably tend to disturb the regular course of trade, by occasionally obliging the bank and its branches to curtail its discounts at some points, and enlarge them at others; and by transferring funds between branches, not according to the wants of trade, but the necessities of the bank and its branches?

On the contrary, this plan of circulation is governed entirely by the course of trade and regulates itself. A single example will make it intelligible. The crop of Tennessee is purchased by merchants who ship it to New Orleans, giving their bills founded on it to the branch at Nashville, which furnishes them with notes. These notes are in time brought to New York for purchasing supplies for Tennessee. They are paid in New York, and the Nashville bank becomes the debtor of the branch at New York. The Nashville branch re-pays them by drafts given to the branch at New York, on the branch at New Orleans, where its bills have been sent, and the branch at New York brings home the amount by selling its drafts on the branch at New Orleans; or the New Orleans branch remits. Such an operation so far from "disturbing the regular course of trade" is its best auxiliary.

This very plan of circulation, moreover, is the basis of the whole interior trade of the United States. I can refer the committee to no better authority than one of their number, who at the request of the bank, visited the interior of New York, in order to examine the relative advantages of particular situations for a branch of this bank. His report is before the committee, and they will perceive that the comparison between these places, turns mainly on their respective facilities to issue notes which, when they reached the city of New York, could be provided for by bills of exchange, drawn on the transportation of produce from the interior of New York, that plan of circulation being universal in the western part of the state.

Thus of Utica, he says:

"The banks in the west, generally circulate more than their capital. The bank of Utica and all the



banks in the west, do a large and profitable business by discounting drafts on New York at sixty days, and longer terms, at the rate of seven per cent. per annum, for the use of those who purchase produce for the New York market, or wheat, and other materials for manufacturing for the same market. The cashier of the bank of Utica, told me that he remitted from 100 to \$150,000 of these drafts monthly to the Mechanic's Bank in New York, and that a balance was generally due them from that bank except in mid-winter. On the other hand, the Bank of Utica supplies her merchants and others, with drafts on New York, at a premium varying from a half to one per cent. Their notes are also remitted to New York, where they are now at a discount of one per cent. (the present rate of the Rochester and all of the good banks in the west.) They are occasionally returned to Utica, and are redeemed in specie, or by checks on New York."

Then of Rochester:

"The most profitable business of the Bank of Rochester is said to be discounting drafts on New York for millers and others, as mentioned in the case of the Bank of Utica, and drawing on New York for their dry good merchants at  $\frac{3}{4}$  to 1 per cent. premium, generally the latter. Of these drafts of the millers, &c. they remit about \$100,000 monthly to New York. Their own drafts on New York amount to about 600 to 700,000 dollars annually. The agent of the New York and Albany banks, presents the notes of the Rochester bank for redemption, about once a fortnight, and sometimes has a balance against the bank of 10, 20, or 30,000 dollars, which is occasionally paid in part with specie, but generally by drafts on New York or Albany."

And finally of Buffalo:

"But Utica and Rochester have been aided by other causes which must have given a powerful impulse to their industry and population. In addition to the usual discounts of a bank, and their influence upon trade, we have seen the banks of Utica and Rochester, each remitting \$100,000 monthly, in drafts on New York, and supplying their millers, manufacturers, and traders, with a corresponding amount monthly for the purchase of produce and raw materials, the produce or manufacturers being afterwards transmitted to reimburse the commission merchant in New York.

"Rochester has hitherto monopolized the flour trade; but if the bank were established at Buffalo, it would soon do a large and safe business with the millers of its neighborhood. As these drafts are generally drawn on the most substantial commission houses of New York, they form the best class of paper discounted by our western banks.

"Buffalo is certainly superior to Utica, for the purpose of circulation. Its merchants must become the purchasers of the produce of the west for the New York market,—it manufacturers must have the wheat, &c.—means for these purposes would be afforded by a bank, and its notes would be put in circulation throughout the whole of the western country and Canada. Besides, there are thousands of travellers and emigrants annually at Buffalo who would circulate the notes of a bank very extensively, particularly if it was a national institution. A bank at Buffalo would always receive much specie from Canada, and might dispose of a large amount annually, in drafts on New York at a premium, as remittances for supplies, tolls," &c.

It is difficult to describe more accurately the plan of circulation of the Bank of the United States, of which this branch at Buffalo was to form a part.

10. Will you explain what substantial difference there is between the present plan of circulation and redemption, of the branch bank notes, and an obligation on the part of a bank in Philadelphia, to redeem the notes of all the country banks in the state of Pennsylvania?

11. What would be the condition of such a bank in

Philadelphia, should the country banks issue an extraordinary amount of bank notes?

The substantial difference is the same as there is between a man's paying his own debts and paying the debts of every body else. The Philadelphia Bank would assume to redeem the issues of country banks over whose issues it has no control. The Bank of the United States redeems the issues of its own branches, which it regulates and constantly superintends.

12. Was not the branch bank at New York compelled to receive about seven millions of the notes of the other branches in the last five months of the last year; and was not its specie in the same months reduced from \$2,226,429 81 to \$664,686 64?

It did receive them. The principal reduction of its specie was not compulsory but voluntary, being by the sale of bullion.

13. What is your opinion of the expediency of making all the notes issued by the Bank of the United States payable at one place?

I should think it an injudicious measure.

14. Would it not tend to diminish the aggregate circulation of the bank and prevent any extraordinary or sudden increase of circulation, and would not the bank have greater power in regulating the amount of its general circulation?

In all places except the place of payment it would take from these notes a great part of their value. Now they possess the double character of local currency and of bills of exchange: the change would tend to make them mere bills of exchange. By reducing their value, their amount might be diminished, but the proposed alteration would give to the bank no control over them which it has not now.

#### QUESTIONS ON INVESTMENTS IN PUBLIC DEBT IN 1824 AND 1825, AND THE ABILITY OF THE BANK TO MAKE LOANS TO GOVERNMENT.

1. I perceive that between June 1824 and June 1825, the bank increased its investments in funded debt from about ten millions to twenty millions—do you think that the bank can aid government with long and large loans with safety?

With perfect safety.

2. If the bank had not employed its funds in government loans (without the power to sell the stocks) would it not have been better prepared to meet the crisis you have referred to, growing out of the speculations of 1825?

The bank has never employed its funds in government loans which it had not the power to sell, and so far from being better prepared for the crisis without the loan, it was the loan which assisted the bank to overcome the crisis more readily.

3. Would the bank have been compelled to resort to the expedient as you have stated of procuring a temporary loan from a private source in 1825?

I am not aware of having stated that the bank was compelled to resort to a temporary loan in 1825. The circumstance mentioned is not I think of that description.

4. Had the same investments been made during the war, would not the bank have been compelled either to sell its stock, or suspend specie payments?

I cannot perceive why. A war would not have occasioned as much difficulty as the state of trade growing out of peace—and if the alternative of selling stocks, or suspending specie payments, were presented, the stocks would of course be sold.

5. Is there not a material difference between originally investing the capital of a bank in funded debt, and subsequently attempting to make loans to government?

I am not struck by any material difference.

6. After a bank is in operation, its capital invested, and its notes in circulation, how can it make loans to government without curtailing its discounts, increasing its capital by new subscription, or by augmenting its paper money?



Very readily—Though its capital may be invested, the investment can be changed from other stocks to government stocks. Though it may have notes in circulation, it may safely have more in circulation. The bank in 1824 took loans from the government to the amount of ten millions. Yet it did not therefore either curtail its discounts, or increase its capital, and the whole augmentation of its issues growing out of the loans was little more than three millions, thus—

	Discounts.	Circulation.	Funded Debt.
June 3, 1824,	\$33,010,305 48	\$6,185,162	\$10,873,407 78
June 2, 1825,	32,729,834 09	9,472,519	20,858,600 00
	\$280,471 39	\$3,287,357	\$9,985,192 22

7. How can a bank continue to hold such loans and make dividends, without increasing its paper, depreciating the currency, forcing specie abroad, and suspending its payments in gold and silver.

Easily. It may make dividends out of the interest on its loans as well as on its discounts, and as the bank did actually hold the loans—did make dividends, did not increase its paper more than three millions and neither depreciated the currency nor forced specie abroad, nor suspended payments in gold and silver, the existence of the fact itself is some evidence of its possibility.

8. When a bank takes a loan from government for the purpose of selling it to fund holders, is it any better than a mere speculator on government?

Names in such matters are of no consequence. If the government wants money, and the bank lends it at a rate mutually acceptable, the government may as properly be called the speculator on the bank as the bank on the government.

9. So long as government holds an interest in the bank, does it not effectually secure a monopoly of every government loan which congress authorises it to contract for?

I do not perceive this. If the government can make more advantageous terms with the bank than with individuals, why should it not?

10. Would not competition among banks and fund holders, secure loans to government at the lowest rate of interest?

Competition is doubtless useful, but I am not aware that there is any thing to exclude it in loans to the government.

11. In case of war, will you explain how the Bank of the United States can efficiently aid government with loans, without inevitably suspending specie payments, and substituting a paper for a metallic currency?

It can be explained easily and simply. When a war takes place, and money is wanted to prosecute it, before individual capital is disengaged from the pursuits of peace, and before the war system of taxation becomes productive, as the war itself diminishes the active demand for discounts, the bank has disposable means with which it at once supplies the government. This, when the war begins. As individual capital is withdrawn from peaceful occupations, it seeks investment in the funds, and the bank then sells the government loan to the citizens, thus replacing its active capital, and preparing for the next loan. Or, if the citizens themselves wish to take the next loan, the bank may make advances to them on the several instalments of the loan, so as to enable them to take the whole loan, and thus in succession during the war, or until the taxes defray its expenses. The benefit to the government then, is that the bank has an accumulated capital, which it places at the disposal of the government for its immediate wants, and is the channel by which the loans are diffused over the country. Now as almost all banks that ever existed, have made loans to government, the operation does not appear in itself a very difficult or ruinous one. The whole matter is explained by Mr. Gallatin very clearly:

"We have not adverted (says he) to the aid which may be expected from that institution in time of war, and which should, we think, be confined to two objects.

First. The experience of the last war has sufficiently proved, that an efficient revenue must be provided, before, or immediately after that event takes place. Resort must be had, for that purpose, to a system of internal taxation, not engrafted on taxes previously existing, but which must be at once created. The utmost diligence and skill cannot render such new taxes productive before twelve or eighteen months. The estimated amount must be anticipated; and advances to that extent, including at least the estimated proceeds of one year of all the additional taxes laid during the war, may justly be expected from the Bank of the United States.

Secondly. It will also be expected, that it will powerfully assist in raising the necessary loans, not by taking up, on its own account, any sum beyond what may be entirely convenient and consistent with the safety and primary object of the institution, but by affording facilities to the money lenders. Those, who, in the first instance, subscribe to a public loan, do not intend to keep the whole, but expect to distribute it gradually with a reasonable profit. The greatest inducement, in order to obtain loans on moderate terms, consists in the probability that, if that distribution proceeds slower than had been anticipated, the subscribers will not be compelled, in order to pay their instalments, to sell the stock, and, by glutting the market to sell it at a loss: and the assistance expected from the bank is to advance, on a deposit of the scrip, after the two first instalments have been paid, such portions of each succeeding payment, as may enable the subscribers to hold the stock a reasonable length of time. As this operation may be renewed annually, on each successive loan, whilst the war continues, the aid afforded in that manner is far more useful than large direct advances to government, which always cripple the resources and may endanger the safety of a bank."

#### PENNSYLVANIA HOSPITAL.

*Statement of the accounts of the Pennsylvania Hospital, being a summary of the receipts and payments for the year ending 4th mo. 28th, 1832, as adjusted by the managers, and laid before the contributors at their annual meeting, 5th mo. 7th, 1832.*

#### PAID THIS YEAR.

Medical department,	\$1681 84
Household expenses,	29,099 38
Live stock,	1,199 18
Repairs and improvements,	4,825 18
Salaries and wages,	6,623 94
Medical books and binding, \$417 37—stationary and printing, \$211 76—books for the insane patients, \$14 11—payment to the city library, \$2 67,	645 91
For a lot on Eight street, purchased of Joseph Strathan and others,	10,000 00
Incidentals,	660 39

\$44,743 82  
2,350 00

To sundry sums placed at interest,	
To balance in the hands of the treasurer, 4th mo. 28th, 1832,	\$1,448 87
To balance in the hands of the steward,	1,302 55
	2,751 42
	\$49,845 24

By balance in the hands of the treasurer, 4th mo. 23d, 1831,	\$860 29
By balance in the hands of the steward,	447 93
	1,908 22

#### RECEIVED THIS YEAR.

For board of patients,	25,573 49
For clothing bought for patients, &c,	3,968 79



Medical fund,	460	50
West's picture,	492	21
From the gate,	164	00
Manager's fines,	11	00
Contributions,	407	00
Real estate of the late John Keeble,	95	00
Ground rents sold,	710	35
For interest,	\$14,884	15
For ground rents,	1,386	53
For dividends, on the lying-in fund,	384	00
	<u>16,654</u>	<u>68</u>
	\$49,845	24

*Abstract of the cases of 1373 patients treated in the Pennsylvania Hospital, from 4th mo. 23d, 1831, to 4th mo. 28th, 1832.*

## DISEASES.

Cases of accidental injury,	325
Diseases of the head,	12
Diseases of the chest, &c.	88
Diseases of the abdominal viscera,	68
Diseases of the generative and urinary organs,	92
Diseases of the nervous system,	13
Diseases of the bones,	42
Diseased skin,	16
Abscess,	6
Anthrax,	2
Apoplexy,	1
Cancer,	2
Debility,	5
Diseased eyes,	40
Dropsy,	14
Fever,	18
" intermittent,	88
" remittent,	31
" bilious,	1
" typhus,	2
Hemorrhage,	2
Icterus,	1
Inflammations,	15
Onychia,	3
Rheumatism,	71
Scrofula,	5
Small pox,	1
Sore throat,	10
Struck by lightning,	2
" by sun,	3
Polypus,	1
Tumours,	8
Uleers,	51
Vomiting,	1
Total,	<u>1040</u>

## INSANE DEPARTMENT.

Insanity,	219
Hypochondriasis,	2
Phrenitis,	1
Mania, from the use of intoxicating liquors,	38
Total,	<u>260</u>

Pay. Poor. Total.

The number of patients remaining in the Hospital 4th mo. 23d, 1831, was	121 & 113	234
Admitted during the last year,	552 & 587	1139

Of whom have been discharged,	673 & 700	1373
	536 & 538	1124

Leaving in the Hospital, 4th mo. 28th, 1832,	137 & 112	249
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Of the above 1139 patients, admitted into the Hospital during the last year, there were coloured people 75, and whites 1064.

Natives of the United States,		602
" England and Wales,	95	456
" Ireland,	549	
" Scotland,	12	
" Canada,	-	3
" Nova Scotia,	-	2
" West Indies,	-	3
" Germany,	-	32
" Sweden and Norway,	-	8
" Lapland,	-	1
" Denmark,	-	8
" Poland,	-	1
" Prussia,	-	3
" Holland,	-	1
" France,	-	8
" Switzerland,	-	1
" Italy,	-	3
" Spain,	-	1
" South America,	-	1
" Mexico,	-	1
" Island of Mauritius,	-	2
" Isle of Man,	-	1
		<u>1139</u>

Of the poor patients admitted in this year, 301 were cases of accidental injury, received, as is the practice of the Hospital, without any security being demanded from the parties who brought them to the institution, and treated without charge. Of this description also were 34 of the cases remaining in the Hospital at the close of the preceeding year.

In the last ten years have been admitted

	Poor.	Pay.	Total.
1823,	422	421	833
1824,	465	441	906
1825,	481	429	910
1826,	444	443	887
1827,	460	512	972
1828,	534	522	1059
1829,	756	606	1362
1830,	782	566	1343
1831,	724	622	1346
1832,	700	673	1373

The total number of persons admitted into the Pennsylvania Hospital from its foundation in 1752, to 4th month 28th, 1832, was *twenty-nine thousand six hundred and sixteen*; of whom 15,293 have been poor people, maintained and treated at the expense of the institution. During this period have been

Cured,	18,400
Relieved,	3,537
Removed by friends and at their own request, without material benefit,	1,814
Discharged as incurable,	150
Eloped and discharged for misconduct,	1,016
Pregnant women delivered safely,	650
Infants born in the house and discharged in health,	612
Died,	3,188
Remain in the Hospital,	29,367
	149
Total,	<u>29,616</u>



LYING-IN DEPARTMENT.

Pregnant Women.					
Deliv. safe.	Removed by friends.	Inf'ts disch. in health.	Died.	Re-main.	To-tal.
26	4	0	2	8	40
Infants born in the Hospital.					
		25	2	6	33
26	4	25	4	14	73
		Males.	Females.	Total.	
Infants born in the Hospital,		17	13	30	
Persons under 16 years of age,		24	14	38	
Unmarried adults,		622	68	690	
Married persons,		233	81	314	
Widowers and widows,		34	33	67	
		930	209	1139	

The Pennsylvania Hospital has been founded and endowed chiefly by the benevolence and liberality of private citizens, and it is from this source that its Managers expect the means to continue and extend its usefulness. To succour the unfortunate, to alleviate the sufferings of the poor and needy, is the sole object of the institution; its first law ordains that the Managers of its concerns "shall not claim, receive or retain any fee, gratuity, or reward," for services rendered to the Hospital. Its foundation stone, laid by the hands of charity, is inscribed "to the relief of the sick and miserable;" and the whole income of the corporation, from whatever source it may be derived, is devoted to this grand original purpose of its existence.

The Corporate name of this institution is "The Contributors of the Pennsylvania Hospital." Charitably disposed persons who may feel disposed to aid it, are requested to attended to this circumstance, lest by a misnomer their intentions in its favor should be frustrated.

Examined and settled, 5th mo. 4th, 1832.

C. WATSON,  
BARTH WISTAR,  
JOHN J. SMITH,  
JOHN PAUL.

From Poulson's American Daily Advertiser.

PEOPLE OF COLOR.

The people of color have long been subjected to too many charges that have been heaped upon them, not unfrequently without any inquiry or any knowledge of the real state of the case.

Some of their friends have known the injustice of these charges; the writer of this article has had ample opportunity of acquiring information on this subject; he feels himself somewhat at home as it relates to pauperism in Philadelphia. Having been accustomed to visit the abodes of misery and wretchedness and to view poor frail human nature in its most secret recesses, in its most undisguised forms, he has long known that the people of color as a body are a very improving people, and are able to stand a fair comparison with the same number of white persons possessing the same advantages.

It is not perhaps generally known, that the colored people of this city and country lately convened a large meeting, and memorialized the legislature of Pennsylvania on the subject of a bill now pending and deeply involving the constitutional rights of this portion of our community—the memorial is signed by James Forten, chairman, a man well known to his fellow citizens for his successful industry, talents and probity. The memorial refers to facts, and adds an appendix which accompanies the present remarks, and is submitted to the candid examination of the citizens of Pennsylvania.

Let any man professing christianity, carefully read

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this appendix, remembering the golden rule—"Do unto others as ye would they should do unto you," and then put this question to himself—when I have pronounced the people of color a public nuisance, that they are an intolerable public burden, that our Almshouse is filled with them, &c. &c., have I not as a christian departed from the precepts of my Divine Master, and used my influence in justly oppressing the oppressed.

JUSTITIA.

APPENDIX

To the Memorial from the People of Color to the Legislature of Pennsylvania.

In connexion with the foregoing memorial, we beg leave to offer the following statement of facts for the information of all who desire to be correctly informed on the subjects to which they relate.

1. By a statement published by order of the guardians of the poor in '1830, it appears that out of 549 outdoor poor relieved during the year, only 22 were persons of color, being about 4 per cent. of the whole number, while their ratio of the population of the city and suburbs exceeds 8 1-4 per cent. By a note appended to the printed report of the guardians of the poor, above referred to, it appears that the colored paupers admitted into the almshouse for the same period, did not exceed 4 per cent. of the whole number.

2. In consequence of the neglect of the assessors, to distinguish, in their assessment, the property of people of color from that of others, it is not easy to ascertain the exact amount of taxes paid by us. But an attempt has been made to remedy this defect by a reference to receipts kept by tax-payers. The result thus obtained must necessarily be deficient, and fall short of the amount really paid by people of color; because it is fair to presume that we could not find receipts for all the money paid in taxes, and because no returns have been made except where receipts were found. From these imperfect returns, however, it is ascertained that we pay not less than 2500 dollars annually, while the sum expended for the relief of our poor, out of the public funds has rarely, if ever, exceeded \$2000 a year. The amount of rents paid by our people, is found to exceed \$100,000 annually.

3. Many of us, by our labor and industry have acquired a little property; and have become freeholders. Besides which, we have no less than six Methodist meeting houses, two Presbyterian, two Baptist, one Episcopalian, and one public hall, owned exclusively by our people, the value of which, in the aggregate, is estimated to exceed \$100,000. To these may be added, two Sunday schools, two tract societies, two Bible societies, two temperance societies, and one female literary institution.

4. We have among ourselves, more than fifty beneficent societies, some of which are incorporated, for mutual aid in time of sickness and distress. The members of these societies are bound by rules and regulations, which tend to promote industry and morality among them. For any disregard or violation of these rules,—for intemperance or immorality of any kind, the members are liable to be suspended or expelled. These societies expend annually for the relief of their members when sick or disabled, or in distress, upwards of \$7000, out of funds raised among themselves for mutual aid. It is also worthy of remark, that we cannot find a single instance of one of the members of either of these societies being convicted in any of our courts. One instance only has occurred of a member being brought up and accused before a court; but this individual was acquitted.

5. Notwithstanding the difficulty of getting places for our sons as apprentices, to learn mechanical trades, owing to the prejudices with which we have to contend, there are between four and five hundred people of color in the city and suburbs who follow mechanical employments.



6. While we thankfully embrace the opportunity for schooling our children, which has been opened to us by public munificence and private benevolence, we are still desirous to do our part in the accomplishment of so desirable an object. Such of us as are of ability to do so, send our children to school at our own expense. Knowing by experience the disadvantages many of us labor under for want of early instruction, we are anxious to give our children a suitable education to fit them for the duties and employments of life. In making the above statement of facts, our only object is, to prevent a misconception of our real condition, and to counteract those unjust prejudices against us, which the prevalence of erroneous opinions in regard to us, is calculated to produce.

We know that the most effectual method of refuting, and rendering harmless, false and exaggerated accounts of our degraded condition, is by our conduct; by living consistent, orderly and moral lives. Yet we are convinced that many good and humane citizens of this commonwealth, have been imposed upon, and induced to give credit to statements injurious to our general character and standing. At this important crisis, pregnant with great events, we deem it a duty we owe to ourselves and to our white friends, and to the public in general, to present to their candid and impartial consideration, the above statements. We ask only to be judged fairly and impartially. We claim no exemption from the frailties and imperfections of our common nature. We feel that we are men of like passions and feelings with others of a different color, liable to be drawn aside by temptation, from the paths of rectitude. But we think that in the aggregate we will not suffer by a comparison with our white neighbors whose opportunities of improvement have been no greater than ours. By such a comparison, fairly and impartially made, we are willing to be judged.

We have been careful in our exhibit of facts, to produce nothing but what may be sustained by legal evidence; by which we mean, such facts as are susceptible of proof in a court of law. We have submitted our statements, with the sources whence they are drawn, to some of the intelligent citizens of Philadelphia, who can testify to their substantial accuracy.

All of which is respectfully submitted to a candid public.

From the Philadelphia Gazette.

## PROCEEDINGS OF COUNCILS.

THURSDAY, May 31, 1832.

**SELECT COUNCIL.**—The following communication from the executors of the late Stephen Girard, was received and laid on the table.

*To the Select and Common Councils of the City of Philadelphia.*

The undersigned, executors of Stephen Girard, respectfully inform Councils that, after much deliberation, they have, under legal advice, come to the conclusion to pay the second instalment called for by the managers of the Danville and Pottsville rail-road company, and shall make speedy arrangements for that purpose, unless Councils, representing the residuary legatees, instruct them to the contrary. Respectfully,

TIMOTHY PAXSON,  
THOS. P. COPE,  
JOSEPH ROBERTS,  
W. J. DUANE,  
JOHN A. BARCLAY.

Several petitions were received from owners of property in Water street, which were referred to the committee, to procure a survey of Water street.

Sundry petitions were presented.

Mr. PETTIT presented the annexed petition from Mr.

William Swaim, which was referred to the committee on Rittenhouse Square.

*To the Select and Common Councils of the city of Philadelphia.*

The memorial of William Swaim, respectfully sheweth: that being proprietor of the whole square of ground on the west side of Rittenhouse Square, extending from Locust to Walnut street, memorialist is informed that a new fence is now about being put up, on or near the very line of this said lot, depriving him of an outlet, although under circumstances precisely similar, streets have been opened on the south and on the west side of the Centre Square. Memorialist is willing to engage, that handsome three story brick buildings, or other buildings which shall ornament the square, shall be erected on said lot, fronting said square, if Councils will leave open a street of fifty feet wide, as around the Centre Square.

WM. SWAIM.

Mr. DUANE called up for consideration the report and resolution of the Girard committee which were reported on the 19th of April last, which was agreed to, and after being amended so as to read, "The Select and Common Councils of the city of Philadelphia, shall assemble in joint meeting at 12 o'clock, on the first Monday in July next," instead of May, was adopted.

Mr. JOHNSON as chairman of the joint committee, made the annexed report and resolution which were laid on the table:

The joint committee appointed to report upon the subject of the title vested in the corporation, to certain lots of ground heretofore reserved and set apart as burial grounds, for the interment of strangers, and of such others as may not have been in communion with any religious society at the time of their decease, respectfully report:

That of the ground originally reserved and set apart by the executive Council of the state of Pennsylvania, in the year 1794, for that purpose, the city now hold the three following described lots, viz:

1st. One of the lots situate on the south side of Lombard street, between 10th and 11th streets, containing in front on Lombard street 396 feet, and in depth southward 78 feet.

2d. One other of the said lots, situated on the south side of Vine street, between Schuylkill Front and Second streets, containing on Vinc street 396 feet, and in depth north and south, on said Front and Second streets 102 feet.

3d. On one of the said lots, situate at the distance of 204 feet southward from Vine street, extending 396 feet from Schuylkill Front streets, aforesaid, and containing in front on both streets, 112 feet.

The last described two lots, were originally parts of a large lot, the intermediate ground between having been recovered from the city in an ejectment brought in the year 1800, by the heirs of Thomas Smith.

The aforesaid three described lots, are now held by the city, without the obligation to use them for the purposes of burial grounds, but, with authority to sell and dispose of them, (under a direction) to apply the moneys arising from such sales to the purchase of such other lot or lots of ground out of the bounds of the city, or the inhabited parts thereof as the corporation may judge suitable and necessary for a place of general interment of persons who may hereafter die in the city of Philadelphia or the suburbs thereof.

This direction was given by the 22d section of an act of assembly, passed 22d day of April 1794, (4 *Biorren's laws* 412,) at a time when the corporation did not own a suitable place out of the bounds of the city for a public burial ground, and evidently with a view to secure such a place for that purpose.

By an ordinance, however, on the 4th day of September 1831, (see Digest, 124,) a lot of two acres in Penn township, purchased in 1817, was appropriated for the



interment of the bodies of deceased strangers, and others not members of any religious society at the time of their decease; this ordinance in conformity with the power conferred on the corporation by the 22d section of the act of 22d April 1794, above referred to, likewise, prohibited the body of any deceased person in any of the lots of ground belonging to the city, other than the said two aere lots in Penn township.

It is ascertained that the lot in Penn township is abundantly extensive for the purposes contemplated by the Legislature in the acts of 1794, more especially as numerous cemeteries have been within a few years established in the neighborhood of the city, by individuals and societies, under regulations which prevent many of the inconveniences before experienced relative to burial grounds.

The committee are of opinion that the progress of improvements in the city, renders it expedient that early attention should be given to the superintendence and disposition of the three lots above mentioned, situated within the city limits, and beg leave to recommend the adoption of the following resolution:

Resolved, by the Select and Common Councils, that a joint committee of two members from each Council be appointed, to take measures to procure the passage of an act of Assembly, repealing so much of the 22d section of an act passed on the 22d day of April 1794, as directs a particular application of the proceeds of certain real estate, belonging to city of Philadelphia, so as to secure to the corporation authority to apply such proceeds in any manner Councils may direct.

A communication from Mr. Jas. Stimpson, of Baltimore, was received, and referred to the committee relative to the rail-road through Broad street.

Mr. DUANE offered an ordinance, which was laid on the table.

A supplement to the several ordinances, requiring that so much of the ninth section of the ordinance passed December 10, 1829, as directs that the accounts of the city commissioners quarterly, shall be printed, shall be and the same is hereby repealed.

The paving committee to whom was referred an alteration of the regulation of Vine street, occasionally by altering the culvert across Logan Square, (from keeping in a line with Schuylkill Fourth street,) to an angle to strike Vine street near Schuylkill Fifth street, report:

That they have obtained a plan of Samuel Hains, City Recording Surveyor, by which an alteration in the regulation of Vine street between Schuylkill Third and Schuylkill Eighth streets, and in Schuylkill Fifth and Sixth streets, will be necessary by altering the course of said culvert, they offer the following ordinance to carry the same into effect with the plan annexed.

The paving committee to whom was referred the petition of a number of citizens, requesting an alteration in the regulation of Beach street, between Walnut and Chesnut streets, and George street from Ashton street to the river Schuylkill, and a resolution of Councils directing said committee to obtain a plan of said alteration, report:

That they have obtained a plan of Samuel Hains, City Recording Surveyor, and offer an ordinance to carry the same into effect with the plan annexed.

The paving committee to whom was referred the petition of a number of citizens requesting an alteration in the regulation of Locust street from Beach street to the river Schuylkill, and a resolution of Councils directing said committee to obtain a plan of the alteration, report—

That they have obtained a plan of Samuel Hains, City Recording Surveyor, and offer an ordinance to carry the same into effect with the plan annexed.

COMMON COUNCIL.—Mr. BAKER as chairman of

the paving committee, presented three reports and ordinances.

Mr. SULLIVAN offered the annexed resolution:

Resolved, by the Select and Common Councils, that the Mayor, Aldermen, and citizens of Philadelphia, hereby consent, that the executors of the late Mr. Girard, may settle all claims, having relation to his funeral and interment, according to their sense of propriety and sound discretion.

Which, after considerable debate, was decided by ayes and nays, viz:—Yeas, Messrs. Hood, Sullivan, 2; nays, Messrs. Baker, Fritz, Horn, Lehman, Moss, Oldenburg, Page, Patterson, Ryan, Sexton and Wainwright, 11.

MONDAY, June 4, 1832.

SELECT COUNCIL.—Mr. PETTIT was called to the chair, in the absence of the president.

Mr. TOLAND presented a petition from the heirs of George Bickham, praying that a drain may be made to enter the common sewer, at the corner of Schuylkill Seventh and Arch streets, which was referred to the paving committee, with power to act.

Mr. NEFF presented the annexed petition, which was referred to a joint committee of two members from each Council, and Messrs. Neff, Johnson, Hood, and Patterson, were appointed the committee.

*To the Select and Common Councils of the city of Philadelphia.*

Gentlemen,—Your petitioner owner of the property at the north-east corner of Race and Water streets, extending to a vacant lot belonging to the city, adjoining Race street wharf, and leased by Capt. Whelldon, respectfully solicits Councils to dispose of the same to your petitioner, as it is at present a deposit for filth and otherwise productive of much injury to said Race street property adjoining; and although it can be of no use to or benefit Race street wharf, your petitioner feels disposed to give a liberal price for the same, should it meet the approbation of Councils.

Very respectfully, JOHN LIVEZEY.

Philadelphia, June 4, 1832.

Mr. DUANE offered the following resolution which was postponed for the present.

Whereas, certain real estate purchased by the late Stephen Girard, subsequently to the last republication of his will, has not, since the decease of the testator, been under the care or control of his residuary devisees or his heirs at law, in consequence of doubts respecting title: And whereas, unless some competent persons shall be authorized to take charge of the said property, losses must be sustained by those who may be ascertained to be legally entitled thereto: therefore

Resolved, by the Select and Common Councils of the city of Philadelphia, that the city treasurer be, and he is hereby appointed, on the part of the city of Philadelphia, in conjunction with such persons as may be appointed for the purpose, by the heirs-at-law of the late Stephen Girard, to ask, receive, and recover, all rent in arrear and becoming due, from property purchased by the late Stephen Girard, subsequently to the last republication of his will, and that it shall be the duty of the said two individuals to keep the moneys received in bank, in joint names, paying therefrom all ground-rents, taxes, and needful repairs, and holding the residue for those who may be declared by law, or otherwise ascertained to be entitled thereto.

Mr. DUANE reported an ordinance relative to wooden buildings, which was ordered to be printed.

A communication from the inspectors of the State Penitentiary, was received, and was referred to the poudrette committee.

The subjoined communication from the Board of Health was received, and was referred to a joint committee of three members of each Council, and Messrs. Worrell, Groves, and Fox, were appointed the committee on behalf of the Select Council.



HEALTH OFFICE, }  
Philadelphia, June 2d, 1832. }

At a meeting of the Board of Health, this day, it was resolved that a copy of the following preamble and resolutions be transmitted to the several corporations of the city and districts.

As it has been ascertained beyond the possibility of a doubt by the experience of all places where Spasmodic Cholera has prevailed, that the extent and mortality of the disease has generally been in proportion to the filthiness of the places thus attacked, and that where the purity of the atmosphere had been preserved by a timely removal of all sources of noxious exhalation, the disease has either not appeared at all, or has presented so mitigated a form as to almost destroy its fatality, and as at this time there are many streets, lanes, and courts, alleys, docks and other places that come within the jurisdiction of the authorities of the city and districts that are not in such a state of cleanliness as would be advisable, therefore,

Resolved, That the said authorities be respectfully solicited to take into consideration, the expediency of appointing suitable persons whose duty it shall be to make a complete and careful examination of every part and portion of said city and districts, that can come within their jurisdiction, and to cause to be removed every thing that may possibly favor the propagation of disease, and that in cases when it is found their power does not extend, they are requested to lay such information before this Board, as will enable it to take suitable measures to prevent the continuation of the nuisance.

Resolved, That the said authorities be also requested to cause the streets, lanes, alleys, courts, &c. throughout the said city and districts, to be scraped and swept, and the dirt immediately removed twice in every week during the continuation of the warm season, and that at each cleansing, the fire plugs in every square be permitted to run a suitable length of time.

Resolved, That the said authorities be also requested to take into consideration the propriety of enacting such ordinances as may prevent the existence of pig-pens or places where such animals are kept, within the bounds of the said city and districts.

Extracts from the minutes.

WM. A. MARTIN, Clerk.

Mr. LIPPINCOTT as chairman of the committee to visit the lands of the late Stephen Girard, made the annexed report, which was ordered to be printed.

The committee appointed by Councils to visit the lands in Schuylkill county, Pennsylvania, bequeathed to the city by the late Stephen Girard, report:

That they proceeded in performance of that duty, to those lands, where by previous arrangement they met his agent Mr. William Boyd, who accompanied the committee in exploring them, and to whose attention, experience and knowledge of their location they are much indebted.

In order to give an intelligible description of the lands, it will be proper to divide them into the eastern and western sections.

The western section comprises about ten thousand acres forming an oblong plot, the nearest point of which is situated about seven miles west of Pottsville, and about five miles from the western extremity of the present Norwegian and Pottsville rail-road. The Mahonoy and Shanandoa creeks run through the centre of this section of land, a distance of about six miles, within a few rods of which, the whole distance, large veins of the best quality of anthracite coal are discovered, some of which are opened, lying near the surface, that may be worked with great facility, and are believed to be inexhaustible. Along those streams the land is covered with a large body of excellent timber, principally White-pine, White-oak, and Hemlock; many of the trees are of enormous size. The Pottsville and Danville rail-road is located to run about six miles through

this section of the lands within a few yards of and parallel with the veins of coal the whole extent.

Mr. Girard, believing this portion of his lands extremely valuable, caused to be erected three large saw-mills of great capacity for sawing, and built in his usual style for strength and durability; two of them on the Mahonoy and one on the Shanandoa creeks, both of which are said to be never failing streams. Two of those mills are each capable of sawing 30,000 feet of boards weekly, the other requires some alterations to enable it to perform equally well. The lumber sawed by those mills was intended by Mr. Girard to have been transported to Pottsville, and from thence to Philadelphia by canals, which it is confidently believed would have been accomplished at a moderate expense. There are also five small log dwelling houses near those saw-mills, within about a quarter of a mile of each other. This point is called Girardsville, and is ten miles distant from Pottsville, by the contemplated rail-road.

The cost of cutting logs, hauling, sawing, and piling the boards at the mills is 3 25 and \$3 50 per thousand feet by contract.

Mr. Girard, to increase the value of those lands and to convey their products to market at a moderate expense, subscribed largely through his agent, for the construction of the Rail Road, located to pass through them, from Danville and Sunbury on the Susquehanna to Pottsville.

That portion of this section of land which borders on Mahonoy and Shanandoa creeks when cleared will be valuable as farm land; the soil is rich.

There has been constructed at much expense by direction of Mr. Girard, a good road nearly the whole length of this section of land and connecting with the turnpike; he also directed it to be continued about six miles further, for the convenience and connection by a road of the two sections of his lands, three or four miles of which are absolutely necessary. He likewise caused a large quantity of timber to be cut and prepared for sawing; 109,264 feet of white pine boards, are cut and piled up at the mills ready for market, and there remain about eight hundred logs cut and ready for that purpose.

The improvements of every description have been suspended. About one half of this section of land is mountainous, and comparatively of little value.

Having given a short description of the western section comprising the Coal Lands. The Committee proceeded to describe the eastern section, which with a long strip of mountain land connecting the two sections, comprise about twenty thousand acres. The Catawissa Creek runs through a part of this section a distance of about six miles, on each side of which the land is of good quality for farming, embracing an area of about three thousand acres. There are seven small farms, with dwellings, barns, orchards, &c. and about five hundred acres of cleared land, five saw mills, most of which are out of order; at one of those mills there are twenty-five thousand feet of white pine boards ready for market. There are likewise two grist mills, both of which require some repairs. On the Catawissa Creek there is a large proportion of the land covered with excellent, large white pine, hemlock, white oak and poplar timber fit for sawing. The remainder of this eastern section of land is generally mountainous and of little value.

Mr. Girard's intentions as far as we could learn, from reading his letters, &c. were to repair one of the grist mills, also one or two of the saw mills on this section, and to have gradually cleared his lands in Catawissa Valley, preparatory to laying out all such parts as were suitable for farming purposes, and from which he expected to supply the large population that would be required in the western section of the coal district with grain and other necessities.

The committee recommend that the land in the Cata-



wissa Valley be laid out, of suitable size for farms and improving leases to tenants, stipulating for their clearing a certain number of acres yearly, fencing the same, and gradually putting the farms in order. The present tenants have all been warned off.

The committee also viewed the seite purchased by Mr. Girard at Mount Carbon for a landing place. It is about seven hundred feet front on the Schuylkill, and extends twelve hundred feet westward therefrom, and is situated about four hundred yards below the termination of the Mount Carbon Rail-road, which is to be continued down to this landing; to this Rail-road, we understand Mr. Girard has loaned to the amount of 50,000 dollars. The Rail-road which is to pass through Mr. Girard's coal lands is to connect with the Mount Carbon Rail-road, and the wharves which he intended to have constructed at this point were for the deposit of his coal and lumber, to be ready for transportation by the Schuylkill Canal to Philadelphia.

The expense of wharfing and fitting up this piece of ground to render it suitable for the purpose intended, would in the opinion of the committee be about thirty-five hundred dollars,—and judging from the rent of similar property in its neighborhood, it would command when improved about eight hundred dollars a year.

About one fourth of the whole quantity of Mr. Girard's lands may be rendered very valuable and productive.

The committee were in the neighborhood of the line of the Pottsville and Danville Rail-road; desirous of viewing it in its different parts, and believing their instructions embraced all matters connected with Mr. Girard's lands, proceeded on to Danville and Sunbury, the points of its termination on the Susquehanna, viewing in their route various points through which it would pass, and after obtaining all the information they were enabled to collect through Mr. Moncure Robinson, the Engineer, and others, respecting its location, practicability, &c., the committee were forcibly impressed with the great advantage its completion would be to the country generally, as well as to Mr. Girard's lands and to the city of Philadelphia in particular, as furnishing a cheap, safe and expeditious means of transporting by the shortest practicable route from the north and west branches of the Susquehanna, the vast quantities of produce which pass by them on their way down to tide water.

The committee learn with pleasure since their return to the city that the executors of Mr. Girard have determined to comply with his subscription to this Rail-road.

The committee recommend that Mr. Wm. Boyd, agent of Mr. Girard, (in whom the committee have the fullest confidence) be continued in employment on the lands, with instructions to complete the various improvements intended to have been made by him, as hereafter enumerated, and that he cause the different saw mills on the Mahonoy and Shanandoa to be set to work with as little delay as possible; to cut up the timber already prepared, as well as such as may be cut down in clearing land, &c. into boards and planks, &c. which may be piled up near the contemplated Rail-road, where they will become seasoned and ready for transportation by the time the Rail-road is completed, and may be disposed of to advantage, or used in the construction of the buildings in Mr. Girard's square, as intended by him.—Those saw mills may likewise afford great facility in furnishing the necessary lumber for the Rail-road, should the contract offered to Mr. Boyd be concluded with the engineer for the supply of rails and sleepers for that undertaking, which he should be instructed to obtain, if such terms are offered as shall be considered advantageous.

Memorandum of Improvements referred to above, viz:

A stone dwelling house for superintendent at Girard-

ville, 36 feet by 45 feet, two stories high, plastered, estimated at	\$2,500 00
100 acres of land to be cleared for hay, pasture and vegetables,	1,000 00
To alter the new saw mill on the Shanandoa,	300 00
To repair an old saw mill on do. called Boon's mill, with dam, &c.	350 00
To complete a new road to connect the two sections of land about six miles,	2,400 00
	<hr/> \$6,550 00

On the eastern there is much need of a house at the grist mill near Catawissa bridge; the committee recommend the construction of a stone dwelling house, 32 by 24 feet, plastered, estimated cost

\$1,200 00

Also, they recommend the immediate repair of the above mentioned grist mill, and sawmill adjoining, estimated

1,500 00

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\$9,250 00

The various improvements recommended to be made by your committee, they confidently believe are in strict conformity with the written instructions and directions of Mr. Girard to his agent William Boyd, and were planned by him with great skill for the promotion of his ultimate designs.

In concluding this report, your committee would briefly state:

That although vast bodies of anthracite coal are to be found in many parts of the interesting and important section of the state in which those lands are situated, we are of opinion, that no part of it abounds with the important article of fuel in greater abundance or of better quality than those selected by Mr. Girard. There is no article through the means of which his benevolent intentions would have been more generally felt or more extensively diffused—and being of indispensable necessity, every means of increasing the facility of its transportation should be promoted.

Your committee cannot but reflect with gratitude on the advantages that may result not only to the present but to future generations from the foresight and magnanimity of Stephen Girard, in bestowing on the city so magnificent and lasting a treasure.

Mr. Groves offered the following resolution, which was laid on the table.

Whereas, it appears that the improvements recommended by the committee appointed to visit the land belonging to the estate of the late Stephen Girard in Schuylkill county are necessary, and that the same should be made as soon as practicable, therefore, Resolved, by the select and common councils, that a committee consisting of two members of each councils; be appointed to attend to and have the said improvements completed. And that the said committee be authorized to confer with the trustees of Mr. Girard's bank, respecting the funds which may be wanting to carry the same into effect.

Mr. Johnson offered the annexed resolution, which was agreed to, and Messrs. Groves, Johnson and Neff, were appointed the committee on behalf of the select council.

Resolved, by the select and common councils, That a committee of three members from each council, be appointed to procure drafts and plans for the continuation of the Columbia and Philadelphia Rail-road, along Broadstreet from Vine to Cedar streets. Also, to inquire into the expediency of purchasing the requisite quantity of iron railing, and report the same to councils.

COMMON COUNCIL—Mr. Baker was called to the chair.

Petitions similar to those presented in the select council, were received and were similarly disposed of.

Councils adjourned to meet again on Friday evening next, at half past 7 o'clock.



## BANKS.

The following is a part of the charge of the Recorder, Mr. McIlvaine, to the Grand Jury of the Mayor's Court, for the present session:

"The foregoing remarks comprehend all the instructions which we deem it necessary at this time to deliver the Grand Jury, as to the mode and form in which their deliberations should be conducted. The same law, or rather the same venerable custom, deriving from its antiquity and its usefulness the force and obligation of law, which requires instructions from the Court to the Grand Jury, requires also that we should point their attention to such occurrences of an unusual nature, as, during the recess of the Court, may have disturbed the peace or safety of the community, or may have exerted an unfavourable influence upon the great cause of social order and sound morality, of which Grand Juries are constitutionally the guardians, and Courts the legal avengers. Such, in the estimation of this Court, and (as we believe) by the unanimous verdict of public opinion, were the scenes which have accompanied the distribution of stock under the two acts of the legislature for establishing new banks in this city. When, therefore, we ask your most serious attention to this subject, when we recommend to you by no means to close your session until the whole matter shall have been fully investigated, and the truths derived from that investigation impartially reported, we obey but the plain and irresistible impulse of public duty, which allows us no room for choice, and forbids the indulgence of all personal inclinations.

"After the scenes which have disgraced our city within the last two weeks, no doubt can remain, (if any existed before) that the mode of distributing stock, prescribed by the recent bank charters, when that stock is universally regarded as valuable and sought after as lucrative, is injurious and demoralizing in the highest degree, and even subversive of the principle of equal competition and fair distribution upon which it professes to rest. Upon this head the Grand Jury, faithfully representing public sentiment, will not hesitate to speak with proper emphasis, and earnestly to protest against the enactment for the future, of any law containing similar provisions.

"But it is to other considerations arising out of the subject that we chiefly ask your attention. The public peace has been broken, and public decency violated, by protracted scenes of riot, confusion and outrage. Of this there can be doubt. In addition to this, the public mind has been agitated to an unprecedented degree by rumours of fraud, unfairness and unlawful combinations, as well in the distribution as in the procuring of stock. All these are fit subjects for the calm and impartial, but nevertheless decided action of the Grand Jury, and it will be our endeavour, in a few brief observations, to explain the legal principles which should govern your judgment.

"Every Commissioner who consented to act under the laws in question was a public officer, to whom an important public trust has been delegated, and who is consequently responsible to the public for its faithful execution. If, therefore, any Commissioner has *wilfully* done that which the law forbade, or omitted or refused to do that which the law required; or if any one of them, with a corrupt view to his own benefit, directly or indirectly has exhibited partiality in the distribution of stock, or shown favour to one individual to the exclusion of another, or to the prejudice of the equal rights of all—such commissioner has been guilty of a misdemeanor in office, and should be indicted without hesitation.

"Again, if any number of individuals, whether commissioners or not, have combined and agreed together, by fraud or force, and by concerted action, to secure stock for themselves or their friends to the exclusion of others, or with the slightest prejudice to the equal rights of every other person in the community: that combina-

tion and agreement was unlawful conspiracy, for which the Grand Jury is bound, should the facts appear in evidence before them, to present an indictment.

"Again, if any three or more persons have appeared at the place of distribution, acting in concert, and either using force or violence, or manifesting an intention to use force or violence, in order to secure shares for themselves or their friends, or to exclude others from participating in the equal privileges which the law intended to secure, this was an unlawful assembly and a riot, and all who aided or encouraged their proceedings, or counselled or procured their coming together, should be included in the same indictment.

"Lastly—every separate breach of the peace, not included within the foregoing heads, which occurred during the six memorable days, that have blotted the reputation of our city, should be the subject of an appropriate indictment.

"In thus enumerating the heads under which your inquiries should be prosecuted, we have not intended to affirm the existence of fraud or corruption on the part of any of the commissioners, or of such combinations among other individuals as are particularly referred to. We have been guided only by reports current in the city, and possibly exaggerated by public excitement without professing any actual knowledge of our own on the subject. The only knowledge we possess, relates to the character of a large number of the commissioners, which would place them individually, above the suspicion of fraud or unfairness. We deem it due, however, to every individual of that body who has uprightly performed his duty, as it is certainly due to the quiet and morals of the community, that the whole subject should be investigated by an impartial tribunal, that the guilty, if any, should be punished, and all others relieved from unmerited censure. To the Court it will be a subject of sincere congratulation if all should be relieved from a charge so serious. They are prepared, however, to do their duty to the Commonwealth in any circumstances which the course of the Grand Jury can possibly present."

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## THE REGISTER.

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JUNE 9, 1832.

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The quantity of rain which fell during May was 5.40 inches, per Register at Pennsylvania Hospital.

*Dividends.*—Philadelphia Insurance Company 5 per cent for six months; Delaware Insurance Company 4 per cent; United States Insurance Company 6 per cent.

The State Legislature met by adjournment, on the 29th ult., for the purpose of dividing the State into Congressional Districts, under the late census. A bill has been presented on this subject.

Wm. G. Hawkins resigned as Speaker on Monday last. Dr. Jesse R. Burden was elected in his place, having received 18 votes. There were 7 votes for Moses Sullivan, 3 for Jesse Miller, 2 for Thomas Ringland, 1 for Samuel J. Packer.

The following resolutions on the Tariff and Bank U. States, have been passed.

Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That we view with the most serious apprehension any attempt to lessen the restrictions upon the importation of any articles of foreign manufacture, or production, which may compete with articles of similar growth, production, or manufacture of the U. States.



And be it further resolved by the authority aforesaid, That a reduction of duties upon articles the like of which are neither manufactured nor produced in the United States, or which do not materially affect the industry of the country, would meet the approbation of our constituents.

And be it further resolved by the authority aforesaid, That the people of Pennsylvania never can consent to an abandonment of the protective system.

And be it further resolved by the authority aforesaid, That if a reduction of the revenue becomes necessary, we should prefer a prohibition of the introduction of articles of foreign fabric and production, the like of which we are successfully manufacturing and producing, to any reduction upon protected articles which we can produce and manufacture as cheaply and as good among ourselves.

And be it further resolved by the authority aforesaid, That we view the American System as a whole, which requires the united and concentrated operation of its friends against all attempts to attack it in detail, and that no steps should be taken to preserve one portion of it at the expense of another.

And be it further resolved by the authority aforesaid, That the confidence of one interest in the aid and fellowship of another is the true shield of safety of the friends of the protected industry, and that such confidence should be cultivated and relied on throughout the Union.

And be it further resolved by the authority aforesaid, That connected as the prosperity of agriculture and manufactures are with the successful financial operations and sound currency of the country, we view the speedy re-chartering of the Bank of the United States, as of vital importance to the public welfare.

And be it further resolved by the authority aforesaid, That the governor be requested to transmit these resolutions to our representatives in Congress, to be laid before their respective bodies.

A meeting of the holders of property along the Delaware was lately held, and a committee appointed to confer with the committee of Councils relative to the improvements to be made under Girard's will. In the proceedings of Council is an interesting report on the Girard lands.

The weather has been cold and wet most of the week. We observe by the papers through the State, that the frosts have seriously injured the fruit, gardens, and crops.

Strawberries and peas are now abundant in our market—new potatoes have also appeared.

The opening of the Germantown and Norristown rail road, was celebrated on the 6th. We subjoin the account of it, from the U. S. Gazette.

#### OPENING OF THE PHILADELPHIA, GERMANTOWN, AND NORRISTOWN RAIL-ROAD.

Yesterday, agreeably to arrangements previously made, the managers of the Philadelphia, Germantown, and Norristown Rail-road opened that important work between this city and Germantown. At a very early hour crowds of people were seen flocking to the depot near Buttonwood street, Penn Township, and before eleven many thousands had assembled on foot and on horseback, and admired the splendid cars, which were placed in file along the track.

The managers of the company, the stockholders, and a very large number of invited guests, assembled in the

hall of the company's building, at the eastern termination of the road. There the new Philadelphia Band, in their splendid uniform, was assembled, occasionally cheering the company within, and the multitude without, with their excellent music.

At twelve o'clock the invited guests were called to the cars appropriated for them, ranged in the following order:

- |                       |                  |
|-----------------------|------------------|
| 1, The Germantown,    | 6, Jefferson,    |
| 2, Benjamin Franklin, | 7, Philadelphia, |
| 3, Robert Morris,     | 8, William Penn, |
| 4, Penn Township,     | 9, President,    |
| 5, Madison.           |                  |

Following these were cars with benches for the accommodation of the band.

The president and directors of the company occupied the "President."

At fifteen minutes past 12 precisely, the cars began to move. Some slight difficulties were experienced, owing to the horses not being used to the employment. All moved on, however, harmoniously, and with sufficient rapidity to allow an occasional look at objects which had assumed a new face, by the introduction of the Rail-road. About one o'clock the cars arrived at the rear of Germantown. The company then alighted; the band marched to an eminence near the front carriage, the top of which was then occupied by the officer of the Rail-road company; and after a few tunes had been played, E. H. Bonsall, Esq. the president of the board of directors, made a very interesting and pertinent address, in which he took a hasty glance at the labors which the company had performed, the difficulties overcome, and the prospects they now had of a full realization of their hopes of a profitable investment of capital.

The company was then invited to form a procession to Mrs. Heft's tavern, preceded by the music:—here, after a few minutes waiting, they were invited into a hall, where had been prepared a sumptuous repast, in just such order, and in just such quantities, as hungry men admire.

The grosser provisions of the table having been discussed, with a perseverance and gravity worthy the best days of our ancestors, the lighter matters were drawn forth, and some wine glasses handled. We looked into one, and thought we discovered some excellent Madeira near the bottom.

While these things were going on above, in which the hospitable intentions of the directors were fulfilled, some of the company assembled in groups below, and argued the relative value of different cars, and different motive power, while others wandered in the garden, and discoursed of matters more remote. Meantime the sound, coloured wines were settled with a few dozen of Champagne; and a few minutes after three o'clock the company took up the line of march to the cars, marshaled by Capt. Miles, who during the day shewed the advantage of military knowledge, even in organizing a company of travellers.

At half past three o'clock the cars started for their return trip, and were little more than half an hour in performing the distance of between 6 and 7 miles.

The carriages, or cars, are splendidly made and finished, and will carry about twenty passengers inside, and 15 or 16 outside; they are each of them drawn by one horse in shafts between the rails.

The labors of the animal were much greater yesterday than they will be hereafter. The friction of the axles is now very great, and the pathway is yet rough. These matters will correct themselves shortly.

During the progress of the cars both ways, but especially returning, they were greeted with the hearty cheers of thousands who were gazing with anxious curiosity at these strangers. Each promontory, elevated point, and near window, was occupied with the curious: age seized its staff, and flourished it exultingly; childhood forewent its toys to witness the novelty; youth poured out its exuberant spirits in huzzas; and beauty



unveiled itself, that no part of the exhibition might pass unseen. The hat was flourished; labor swung its spade and mattock, the boys shouted, and the girls waved their handkerchiefs in hearty felicitation and good wishes. We looked out with delight upon one grey headed dame who joined the joyous group, and shook her withered arm in a paralytic ecstasy of pleasure: and just then we caught the eye of a black-eyed damsel, whose festive face beamed forth a smile of heartfelt delight—but she was looking at a *young man* on the top of our carriage.

Almost every profession and employment had a goodly representation in the company. Our brethren of the Sentinel, of the Gazette, the Inquirer, the Post, and the Detector, and a few *ci-devants*, were there, to whose better judgments we must leave the decision upon the wines. Brother Morris is "*au fait*" in such matters.

It is due from the invited guests to the board of directors to say, that every exertion was made, and successfully made, to ensure the enjoyment of the visitors, whose admiration was warmly expressed, as were their hearty wishes for the success of the Rail-road.

This morning the cars commence their regular running on this route; and we may expect that in addition to those who use this mode of conveyance in the way of business, thousands will be invited by curiosity to test the merits of the carriages, and to view the extraordinary works of viaducts, bridges, &c.

We ought to remark, that the horses are attached to the car in such a manner, that should they bolt from the track, and fall, no injury occurs thereby to the car or passengers.

The regular travelling upon it commenced on the 7th. The following are the times of arrival and departure; and fare, as advertised by the Company.

"The cars will start from the depot, at the corner of Green and Ninth streets, for Germantown, and from Germantown for Philadelphia, at the following hours, viz:

FROM PHILADELPHIA.	FROM GERMANTOWN.
At 7 o'clock A. M.	At 8 o'clock A. M.
9 " " A. M.	10 " " A. M.
11 " " A. M.	12 " " M.
2 " " P. M.	3 " " P. M.
4 " " P. M.	5 " " P. M.
6 " " P. M.	7 " " P. M.

The cars will start punctually at the hours above mentioned, and the company have made arrangements to accommodate a very large number of travellers.

Parties and families can be supplied with whole cars. Tickets may be had at the depot, at the corner of Green and Ninth streets.

Fare, each way, 25 cents. Children under 12 years of age, half price.

E. H. BONSALL,  
President.

At the late session of the General Assembly of the Presbyterian Church in this city, the subject of a division of the Presbytery of Philadelphia, excited a good deal of interest, and was finally determined upon. The Second Presbytery was organized on the 6th. The following proceedings are extracted from the Philadelphiaian:

#### SECOND PRESBYTERY OF PHILADELPHIA.

On the 6th instant, this ecclesiastical body was duly organized, agreeably to an Act of the last General Assembly. The ministers present were, the Rev. Messrs. Ely, McAuley, James Patterson, Skinner, Barnes, Grant, Dashiell, Scott, Eustace, Chandler, Judson, and John Smith. The Rev. Messrs. Bacon and Bertron were absent, being engaged in agencies for the American S. S. Union.

The Ruling Elders present were, Messrs. Alexander Fullerton, Joseph Montgomery, John Stille, Wm. H. Darling, Charles W. Wright, Joseph Abbott, John Rice, Frederick Scofield, Wilfred Hall, and Stephen H. Gloucester.

Dr. Ely, the oldest minister present, having constituted the Presbytery with prayer, was chosen moderator for six months, and the Rev. J. L. Grant, clerk. Rev. Thomas Eustace was appointed Stated Clerk, and John Stille, Esq. Treasurer.

A discourse was delivered by the moderator, at the appointment of the Presbytery, from Philippians i. 27, "Stand fast in one spirit, with one mind striving together for the faith of the Gospel."

The Rev. Messrs. F. A. Ross, Dr. A. W. Leland, Harvey Coe, N. Murray, W. S. Potts, N. Patterson, A. G. Fraser, Isaac Purkis, and John I. Owen, from sister Presbyteries, being present, were invited and took their seats as corresponding members.

The general rules for judicatories adopted by the General Assembly, with the exception of the 18th, were adopted as rules for conducting the business of this Presbytery.

The Rev. Mr. Haight, from the Association of the Western District of Fairfield county, Conn., answered the constitutional questions directed to be put in such cases, and was received as a member of Presbytery.

Messrs. Patterson and Eustace were appointed a Standing Committee to examine candidates for license or ordination, on the languages; Dr. McAuley and Mr. Grant, on arts and sciences; Dr. Ely and Mr. Barnes, on theology, natural and revealed; and Dr. Skinner and Mr. Dashiell on church history and government.

Drs. McAuley, Ely, and Skinner were appointed a Committee on Credentials.

Mr. Eleazar Holt, a licentiate from the North Association of Litchfield county, Conn., was introduced to Presbytery, answered the constitutional questions and was received under the care of this judicatory. On application from Mr. Haight, it was resolved to take measures for organizing a Presbyterian church in Pottsville, and Messrs. Haight, Ely, Skinner, McAuley and Patterson were appointed a committee, with powers, on this subject.

The next stated meeting of Presbytery is to be held on the third Tuesday of Oct. next, at 7 o'clock, P. M. in the tenth Presbyterian Church.

It appears by the Franklin Journal, that the committee appointed "to inquire into the statistical wealth of the state" have reported, that the sub-committee for Dock ward have finished their labours, and ascertained that "the value of the *domestic manufactures* of that district amounted to upwards of \$700,000." The inquiry through every part of the state will we trust be pursued. We observe that the expenses attending such an inquiry are found to be considerable; and that the Institute are endeavouring to obtain funds for the purpose. Their appeal to the public will, we trust, not be in vain. The object is a very important one, and the result will, we have no doubt, be such as to reflect great credit upon the state.

The last number of the Banner of the Constitution contains the following account of the *iron manufactured* annually in HUNTINGDON COUNTY. It was obtained by two young men, employed at \$4 per day, for the purpose of furnishing information to the Secretary of the Treasury—and is therefore supposed to be correct.

Bar Iron, 795 tons; Blooms, 3,372; Pig Metal, 7,350; Castings, 1,600 tons.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. IX.—NO. 24. PHILADELPHIA, JUNE 16, 1832. NO. 233.

## UNITED STATES BANK.

QUESTIONS SUBMITTED TO THE PRESIDENT OF THE UNITED STATES BANK, BY MR. CAMBRELENG, WITH HIS ANSWERS THERETO.

(Continued from page 359.)

1. What in your opinion were the causes which enabled the banks to resume specie payments in February 1817?

On the whole subject of specie payments in the United States my opinions are these. I believe that the suspension of specie payments, was occasioned mainly by the circumstance, that the government of the United States renounced for a time its constitutional power over the currency, in permitting the dissolution of the first bank of the United States. I believe that the resumption of specie payments, was occasioned exclusively by the establishment of the present Bank of the United States. And, I believe, that the suspension of specie payments, will again inevitably, and shortly, follow, whenever the government shall cease to exercise that control through an establishment like that of the present bank of the United States.

In regard to the first opinion, I have not time to state the details, but on such a subject, I know of no higher authority, than the late secretary of the treasury, Mr. Gallatin, who for twelve years, superintended the finances of the country. That gentleman in his work on the "Currency and Banking System of the United States," page 46, gives it as "his deliberate opinion, that the suspension might have been prevented at the time when it took place, had the former bank of the United States been still in existence."

In regard to the second opinion, it will be sufficient to cite the testimony of the best witness, the secretary of the treasury, Mr. Dallas; who declares that he had tried in vain all other modes of accomplishing the resumption of specie payments,—and that the establishment of the bank, was at length his only resource.

In his report to Congress, in December 1815, nearly a year after the peace, he says: "It is a fact however incontestibly proved, that these institutions cannot at this time be successfully employed to furnish an uniform national currency. The failure of one attempt to associate them with that view, has already been stated—another attempt, by their agency in circulating treasury notes to overcome the irregularities of exchange, has only been partially successful, and a plan recently proposed, with the design to contract the issue of bank notes, to fix the public confidence in the administration of the affairs of the banks, and to give each bank a legitimate share in the circulation, is not likely to receive the sanction of the banks. The truth is, that the charter restrictions of some of the banks—the mutual relation, and dependence, of the banks of the same state, and of the banks of different states: and the duties which the directors of each bank, conceive they owe to their immediate constituents upon points of security, or emolument; interpose an insurmountable obstacle to any voluntary arrangement upon national considerations alone, for the establishment of a national medium through the agency of the state banks."

"The establishment of a national bank is regarded as the best, and perhaps the only adequate resource to re-

lieve the country, and the government, from the present embarrassment."

Accordingly the Bank of the United States was established. One of its first measures was, to call a convention of delegates from the State Banks of New York, Philadelphia, Baltimore, and Virginia, for the purpose of concerting measures, for the resumption of specie payments.

The bank then proposed to the convention, that if the banks represented in it would resume specie payments, the Bank of the United States would give them every indulgence, would at once assume their debts to the government, and give them time to pay the amount to the Bank of the United States; would discount to a considerable extent to relieve them, and if any embarrassment happened to any of them in consequence of the resumption, would come immediately to its assistance.

The following articles from the arrangement of February 1, 1817, show the extent to which this assistance was to be given.

"That the incorporated banks of New York, Philadelphia, Baltimore, and Richmond, engage on the 20th instant to commence, and thenceforth to continue specie payments, for all demands upon them."

"That the whole of the public balances in the receiving banks of New York, Philadelphia, Baltimore, and Virginia, be transferred to the Bank of the United States on the 20th of this month, and retained by the said bank until the first day of July next, when the same shall be paid off, together with the interest thereon."

"That the payment of the balances which may accumulate against the aforesaid banks, subsequently to the transfer of the balance first mentioned, shall not be demanded by the Bank of the United States, until the said bank and its branches, shall have discounted for individuals, (other than those having duties to pay,) subsequently to the 19th inst. the following sums, viz:

For those in New York, two millions.

For those in Philadelphia, two millions.

For those in Baltimore, one million and a half.

For those in Virginia, five hundred thousand dollars."

"That the Bank of the United States, and the other incorporated banks of New York, Philadelphia, Baltimore, and Virginia, will interchange pledges of good faith, and friendly offices, and upon any emergency which may menace the credit of any of the aforesaid banks, or the branches of the Bank of the United States; will cheerfully contribute their resources to any reasonable extent, in support thereof. The Bank of the United States confiding in the justice and discretion of the state banks respectively, to circumscribe their affairs within the just limits indicated by their respective capitals, as soon as the interest and convenience of the community will admit."

In referring to this arrangement, Mr. Gallatin in the work just cited, page 84, says: "To that compact which was carried into complete effect, and to the importation of more than seven millions of dollars in specie from abroad by the Bank of the United States, the community is indebted for the universal restoration of specie payments, and for their having been sustained during the period of great difficulty and of unexampled exportations of specie to China which immediately ensued." And again page 82,



As respects the past, "it is a matter of fact that specie payments were restored; and have been maintained through the instrumentality of that institution."

In respect to the third opinion, I have no clearer conviction than this, that the suspension of specie payments will recur, whenever the government of the United States shall cease to maintain some institution like that of the present Bank of the United States.

2. Are not specie payments, and a specie currency naturally restored in every country upon the return of peace, and confidence after trade has recovered from the shock of the first reaction, where gold and silver are the only lawful tender, and where banks are required to redeem in specie?

By no means. When peace comes to a country exhausted of foreign goods, it brings very large importations, which rather prevent than occasion specie payments; and the circumstance "that gold and silver are the only lawful tender, and that banks are required to redeem in specie," is not at all conclusive. Gold and silver were the only lawful tender, and banks were required to redeem in specie during the whole suspension of specie payments just as much as they are now. There had been peace for more than two years and abundant confidence in 1817, yet specie payments were not naturally restored. The means on the contrary were wholly artificial. On these occasions, the suspension, whether justifiable or not, is in fact a triumph over the laws.

3. Suppose that specie was in January 1815, 15 per cent. higher than New York bank notes, and that it fell when we received the intelligence of peace to two per cent. premium: what, in your opinion, produced the fall in the price of specie?

4. Supposing specie to have risen in October 1815 to 16 per cent., and in January 1816 to 20 per cent. in New York, to what cause would you attribute that rise?

The cause is very obvious. The news of peace occasioned the expectation of an immediate resumption of specie payments by the banks, and of course their paper rose in value. Before the year expired that expectation was disappointed, and the paper relapsed of course into its former discredit. Mr. Gallatin so states it expressly.

"We will quote (says he, page 27) only one other instance of a similar nature. The notes of the Baltimore banks were at 20 per cent. discount in January 1815. The treaty of peace was ratified and published in the month of February, and as the suspension of specie payments had not lasted six months, and was caused by the war, a general expectation immediately prevailed that those payments would be forthwith resumed; accordingly bank notes rose every where in value, and in March the discount on those of Baltimore was only 5 per cent. As that expectation was disappointed, the notes again sunk in value, and in July those of Baltimore were again at a discount of 20 per cent."

5. Would not the heavy importations necessarily flowing into the country, to supply a market exhausted by a three years war, have a tendency to rise the price of specie?

I should think so.

6. Suppose that the secretary of the treasury had directed the revenues of the country, to be received in treasury notes, or in notes of such banks, as would exchange their paper for treasury notes; what effect in your opinion would it have upon the currency?

7. Supposing that the notes of the Baltimore banks to be 20 per cent. below the value of the specie paying banks of Boston, would not such a treasury order substitute the depreciated paper of Baltimore for a sound currency, and necessarily raise the premium on specie, and was not that order the principal cause of the rise of specie in 1815 and 1816?

8. Suppose that the government negotiated a loan after the war, receivable in Baltimore bank notes, was not this another cause which produced the rise in spe-

cie, and would not such a negotiation also affect the currency unfavorably?

The loan itself was so small, that neither it nor the treasury order could have much influence on the price of specie, which was determined by causes far more general and important.

9. What was there to prevent the state banks from resuming specie payments in November 1816, when specie in New York was at 1½ per cent. premium, being one per cent. lower than it was in February 1817, when specie payments were actually resumed?

10. Had they disposed of their government stocks, could not the banks have resumed specie payments at any time after November 1816, and with facility?

If it was so easy and nothing prevented them, why did they not do it? If they could have done it, yet did not, it must have been because they would not. The bank was established for the very purpose of making them do it and helping them to do it, and it did both.

Mr. Gallatin's view of it, is this:

"The banks did not respond to that appeal made by public opinion: *nor is there any evidence of any preparations, or any disposition on their part, to pay their notes in specie until after the act to incorporate the new Bank of the United States had passed.*"

11. Did not Congress adopt a resolution on the 30th of April 1816, requiring specie payments for government dues, and was not the bank the agent of the treasury in executing it?

12. Was not that resolution (enforced by a government with a revenue at that time amounting to thirty or forty millions,) the immediate cause of an earlier resumption of specie payments?

The bank was not the agent of the treasury in executing it, nor was it the immediate cause of an earlier resumption of specie payments. On the contrary, it was wholly ineffectual in the hands of the treasury, until the bank voluntarily enabled the treasury to carry it into execution.

The resolution in question, passed on the 30th of April 1816, did not require "specie payments for government dues," it only directed that the secretary of the treasury, "*should adopt such means as he may deem necessary, to cause as soon as may be,*" the revenue to be collected and paid in the legal currency, or treasury notes, or notes of the Bank of the United States, or in notes of banks, which are payable and paid on demand in the said legal currency, and that after the 20th of February 1817, no revenue "*ought to be collected or received,* otherwise than in the legal currency of the United States, or treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States."

This resolution merely repeats what was the law before it passed, that is, that the only legal tender was coin, or the notes of banks paying coin, and it only declares that the secretary of the treasury should endeavor to enforce it.

It was in itself, an excellent resolution, and was no doubt useful as indicating the concurrence of the government with the bank, in the effort to restore specie payments, but it would have been wholly inefficient without the aid of the bank. My reason for saying so, is the acknowledgment of the two secretaries of the treasury, to whom the execution of it was in succession committed, neither of whom could make it available, and both of whom relied upon the bank to enforce it. The evidence of this is as easy as it is perfect.

What Mr. Dallas thought of it, and did with it, may be seen in his treasury report, on the 3d of December 1816.

"There was no magic in a mere treasury instruction to the collectors of the revenue, which could by its own virtue charm gold and silver again into circulation. The people, individually, did not possess a metallic medium, and could not be expected to procure it, throughout the country, as well as in the cities, by any exertions unaid-



ed by the banks, and the banks, too timid, or too interested, declined every overture to a co-operation for re-instating the lawful currency. In this state of things, the treasury, nay, the legislature remained passive. The power of coercing the banks was limited to the rejection of their notes in payment of duties and taxes, and to the exclusion of their agency in the custody and distribution of the revenue; but the exercise of that power, would not generate a coin currency, although it would certainly act oppressively upon the people, and put at hazard every sum of money which was due the government. Until, therefore, a substitute was provided for the paper of the banks, it would have been a measure of useless and impolitic severity towards the community, to insist that all contributions to the expenses of the government, should be paid in a medium, which it is repeated, the community did not possess, and could not procure."

"The establishment of the Bank of the United States will open the sources of an uniform currency, independent of the state banks, and as the people will then be supplied with a medium which can be used for every public and private purpose, the peremptory requisition of the resolution of Congress, for the collection of the revenue in the lawful money of the United States, after the 20th of February 1817, becomes at once, just, politic and practical."

Mr. Crawford was equally desponding, as the following course of his correspondence with the bank will show. On the 29th of November 1816, he writes thus:

*"As the principal banks in the middle states, in the month of August last, explicitly stated to this department, their determination not to resume specie payments before the first of July 1817, there is no reason to expect their co-operation before that period; unless a change has in the mean time been effected in their situation; or unless inducements more powerful than those presented in the treasury proposition of the twenty-second July last, can now be presented to them."*

"The determination, therefore, which they have formed not to resume specie payments before the first day of July 1817, is an explicit declaration that *they not only will not bear any part of the sacrifice required to restore the disordered state of the currency, but that they will not forego any of the advantages to be derived from that event.* If the view here presented be substantially correct, although changes in the situations of the banks may have taken place, favorable to the early resumption of specie payments, *yet there does not appear to be any well founded reason to expect any change in the determination which they have formed on that subject.* When the friendly character of the proposition made by the treasury to the banks, on the twenty-second July last, and the extraordinary manner in which it was received is well considered, it does not appear probable that any inducement can be offered by the government sufficiently strong, to divert them from the policy of making the highest possible profit upon the public debt which they hold. In directly addressing their love of acquisition, we can offer them nothing equivalent to the gain which they expect from an adherence to their previous determination. To appeal to their fears *by refusing to receive their bills in payments to the government, if that appeal should be ineffectual,* would be to visit the sins of the banks, upon the great mass of unoffending citizens, unless the government was prepared to furnish a sufficient legal currency to meet the indispensable demands of the community. It is important therefore at this time, to ascertain the extent to which the operations of the bank will be able to supply a national currency by the twentieth of February next, unaided by the state banks."

On the 17th December 1816, he again writes:

"I shall have the honor to communicate in a few days a proposition which is intended to be submitted to the state banks by the treasury, as a last effort to engage them to resume specie payments on the twentieth of February next."

Then followed the circular to the state banks, of the twentieth of December, urging them to resume specie payments on the twentieth of February.

These exhortations proved wholly ineffectual.

In his letter to the president of the bank, dated January 6, 1817, he speaks of the "extreme hesitation of the banks in answering the treasury proposition of the twentieth ult." He says that "*should a majority of the state banks refuse to conform to the treasury proposition, the money remaining in their vaults to the credit of the United States, will be transferred to the Bank of United States and to its branches, in the manner already communicated to you.*" He adds, "*whilst the public money was received by and deposited with the state banks, its own interest might stimulate it to make exertion, not only to sustain its credit, but to accommodate the government in its fiscal operations. Stript of that inducement, it is difficult to foresee the course which those institutions will adopt, especially if the treasury proposition, is rejected by them.*" And again: "*If however, the state banks reject the treasury proposition, I think there will be much reason to doubt their intention to resume specie payments on the first of July, or on any other day.* Of the correctness of this opinion, the board of directors are more competent to determine than I am, and will of course adopt such precautionary measures, as the probability of such an event may require."

On the sixteenth of January he writes, "It is proper to state that the City Bank, and the Mechanics Bank of New York, have resolved to resume specie payments on the 20th day of February next. *If the other banks of that place refuse to come into the measure, it may be doubtful whether those two banks may not be induced to rescind their resolution, and enter into measures with the Bank of the United States, under the authority given to the directors in this letter.*"

On the 24th of January 1817, he says, "Yet it is manifest that without the state banks can be brought into an arrangement by which their paper can be received in payment of taxes, that there will be no medium, upon the 20th of February next, in which those dues can be paid."

These declarations of the secretary, prove that he had been wholly unable to induce the state banks to resume specie payments on the 20th of February, and the Bank of the United States, and the Bank of the United States alone, by calling a convention of the state banks, and proposing terms of indulgence and of support, was enabled to accomplish that object in the manner already described in the answer to question 1st. But the resolution, a proper resolution in itself, was so ineffectual, that from April 30, 1816, to Jan. 24, 1817, the two secretaries had made no progress whatever, towards executing it.

Finally, the report of the committee of Congress to investigate the affairs of the bank in January 1819, expressly declares:

"The officers then (on the 7th of January 1817) at the head of the treasury, had repeatedly urged the commencement of operations with the laudable view, as it appears, of hastening the resumption by the state banks, of their notes in specie. *Efforts on the part of the treasury to induce the local banks to that measure, appear to have been abortive, until the Bank of the United States made certain propositions which induced regulations between it and the state institutions, which finally resulted in a compact.*" And Mr. Lowndes, in his speech upon that report, in February 1819, states "that the state banks had refused every proposal for the resumption of specie payments. He would not say they were unwilling, but they were afraid to adopt them. *The remonstrances and encouragement of the government were unavailing. It was then that the national bank, certainly not in the spirit of narrow jealousy, entered into that compact with the state banks,*" &c. &c.

13. Suppose that the experience of England corresponded with our own after the war, and that the price of gold sunk below the mint price, four and a half pence per ounce, to what cause would you attribute that fall?



14. Did not the Bank of England notes, which had been in 1814, twenty-five per cent. below the value of gold, rise in 1815, to within two and a half per cent. of their par value?

15. Did not the Bank of England give notice on the first of January 1817, that it would pay off a million sterling, and did it not actually commence paying in specie?

16. Did not the Bank of England, in October 1817, give a further notice that it would pay in specie all its notes dated prior to 1817?

17. Did it not continue to pay in specie, although the restriction act had been continued by parliament till the fifth of January 1819, and did not the bank pay from the first of January 1817, to the first of January 1819, £6,756,000 sterling in specie?

18. Was not this second attempt of the Bank of England to resume specie payments, defeated by parliament in prohibiting them from paying their notes in specie?

19. In resuming specie payments the third time, did not the bank commence one year before the period required by Mr. Peel's bill?

The experience of England, so far from corresponding with our own, was directly the reverse of our own. Its situation bore no analogy whatever to ours. From the rupture of the treaty of Amiens till the battle of Waterloo, England had for eleven years kept large armies on the continent, and subsidized the great powers of the continent. She was the universal paymaster, and had to pay mainly in specie. The peace stopped that demand for specie, while it revived its commerce with Europe and the United States, making all the world its debtors, and pouring bullion into her ports from Europe and America. That the price of bullion should, under these circumstances fall, was natural, and the fall was rendered inevitable by a great reduction in the issues of the Bank of England itself. These things are perfectly understood. "The tendency," says Tooke, in his work on high and low prices, "the tendency to an improvement of the exchanges, and to a *decline in the price of gold*, was looked upon to follow, as a matter of course, the *"cessation of government expenditure abroad*, and the great preponderance of our commercial exports, *"now that the ports of the continent were opened to us."*—page 49. And again—Sir Henry Parnell on paper money, page 113:—"In the years preceeding 1816, the directors, in expectation that cash payments would be restored in 1817, according to the provision of the existing law, had reduced the amount of their notes in circulation from £28,039,690 as it stood in April 1815, to £24,441,430 on the sixth of January 1816. In consequence of this great reduction of paper having raised the foreign exchanges, and brought the price of bullion down nearly to the mint price, a more favorable state of things could not exist for accomplishing the restoration of cash payments," &c. &c. But the same peace which made England a universal creditor, made the United States a still greater debtor to England, and although at the first moment of peace, the belief of the early resumption of specie payments in this country, depressed the price of specie in exchange for notes, yet in a few months, when that hope was disappointed, the paper fell back into its former depreciation. The condition of England was, therefore, the very reverse of our own—and the ability or the anxiety of the Bank of England to resume specie payments, furnished no precedent for a similar course for our own state banks, until they were encouraged or compelled to it by the Bank of the United States. So much as to the general aspect of the question. As to the details stated in these inquiries, as far as I have had time to examine them, I believe they are inaccurate. Thus, the price of gold did not fall four and a half pence below the mint price after the war. It did not fall to that price until July 1822, a period of seven years after the war, and even then owing to a circumstance purely accidental, which was this:—

The bank in 1822 had so much bullion at the mint, that other holders of bullion could not get it coined for so long a period, that the loss of time while it would remain at the mint, induced them to sell it for cash, at four and a half pence below the mint price, being not quite half per cent. discount. This may all be seen in Mushet on the currency, page 139, and the tables annexed to it.

Then, too, it would be supposed from the strain of the inquiries, that the bank had made a general resumption of specie payments. But this is not the fact—the resumption was only partial, of a particular kind of notes. But the general resumption did not take place I believe till 1822, six or seven years after the peace, whereas that of the United States was on the 20th February 1817, two years after the news of peace had arrived here. The fact is, that much of the early embarrassments of the Bank of the United States, arose from its being urged by the government to resume specie payments, before the country was fully prepared for them. In England, with all their advantages, the resumption was partial and gradual—in the United States it was complete and sudden. But the effort was made in obedience to the wishes of the government, and all its consequences fell on the bank alone.

20. What in your opinion caused the rise in the treasury notes, which in December 1814, sold in Boston at twenty-five to twenty-seven per cent. discount, and on the 10th of September 1816, at two per cent., and in government stocks from fifty-five to one hundred dollars?

The reason was, that in December 1814, the Boston banks paid specie, and the treasury notes were not payable in specie, and of course were not better than the notes of banks which did not pay specie. They were not near so good, for such was the discredit into which the government had fallen, that even in the middle states the notes of the government were at a great discount, even in exchange for the notes of banks not paying specie. In September 1816, the Bank of the United States was going into operation, and the expectation was generally that it would soon do, what it actually soon did, occasion a general resumption of specie payments. So with regard to government stocks. In December 1814, the financial situation of the government, was considered entirely desperate; so much so, that in the middle states, the government six per cents. were much below twenty per cent. discount, even for the notes of banks not paying specie. In September 1816, on the contrary, peace had restored confidence in the stability of the government, and there was a general belief of the early resumption of specie payments.

21. It is said that the Bank of the United States was the cause of the resumption of specie payments, and that the state banks could not have resumed them without the aid of that institution;—are these your opinions?

Decidedly.

22. Were not the treasury balances transferred from the state banks to the United States Bank, in February 1817, and did not the banks in New York, Philadelphia, and Baltimore, reduce their balances by July 1817, about five millions of dollars?

23. Would you consider the transfer of these balances calculated to aid the state banks, and that they were better able to resume and to sustain specie payments after than before the public deposits were transferred to the United States Bank and its branches?

Undoubtedly, it would aid them to resume specie payments, and for this obvious reason. They were indebted to the United States, and if they had resumed specie payments, would have been liable to a demand in specie from the treasury, which they could not have met. By the transfer, the bank assumed their debts to the government, and gave them time to pay the bank, and promised to assist them if they became embarrassed in consequence of resuming specie payments. It was on these very conditions, and these only, that they commenced specie payments,



24. At what time was the Branch Bank established in New York?

On the 22d of January, 1817.

25. Did the Branch Bank owe balances to the city banks in New York, and pay twenty or thirty thousand dollars for interest on these loans from May to December 1817?

The interest was paid from the 29th of April, to the 1st of October. It is difficult at this distant day to understand precisely the circumstances by which the balances of the banks of any one city happened to turn for a few months against the bank, but in the efforts to restore specie payments, such a casualty was not unnatural. If the government funds were transferred from the state banks to the Bank of the United States, which gave time to the state banks, and if the Bank of the United States then paid out on account of the government to its own notes for the treasury deposits of state bank paper, not really, though nominally convertible into specie, the probability is that the city banks of New York, relieved from their old debt to the government, would by the large issues of the Bank of the United States, become its creditor. In addition to this, it appears from a letter of the president of the bank, published by Congress in 1819, that this balance must have arisen mainly from the collections made by the branch at New York for the city banks, of notes on distant places; that is, that the branch transmitted to the south and west, bills of exchange owned by the city banks, issuing for them its own paper, while it received for them only the paper of distant state banks of doubtful solidity, and the president of the bank, after stating that \$300,000 in specie were ready to be sent to New York to pay these balances, adds:—"The state banks ought not to forget, however, that this balance did not originate in their claims upon the Bank of the United States."

26. Will you explain how a borrowing bank can aid a lending bank in sustaining specie payments?

The case is very simple. Owing to indulgences given by the branch bank in New York to the city banks near them, it fell into debt for a few months. But up to the period when this balance accrued, the banks of New York were in debt to the branch at New York: immediately after the balances were liquidated, they resumed their position as debtors, and I believe ever since that, with very few, if any occasional exceptions, they have continued so to the present day. Even at the moment when these accidental and temporary balances were due, the Bank of the United States was a creditor, of the state banks in the aggregate of many millions of dollars, and so far from being a borrowing bank, was in fact the creditor and supporter of the state banks.

27. Was not the capital of the branch at New York, on the 29th of May 1819, \$245,287 91?

No. At that time no specific capital was assigned to the offices, and the capital on which it was doing business, consisted mainly of its debt to the bank and other offices.

On the 26th of May 1829, the nearest weekly statement to the 28th of May, its means were as follows:

Its debt to the Bank of the United States,	
which was in fact its capital,	\$1,135,000
Specie on hand,	209,000
Debts from state banks, and notes of state banks on hand,	363,000
Its circulation was,	1,096,000
Public and private deposits,	1,148,000
	<hr/>
	\$3,951,000

Its discounts, \$1,614,192 90.

28. Could a bank with such a limited means aid the banks of New York, possessing some fifteen millions of capital, in sustaining specie payments at a crisis like that of 1819, when the parent bank was in a perilous condition?

The capital of the banks in New York, was only \$11,150,000 and not 15,000,000. The answer to the

preceding question will show its means of sustaining itself and sustaining others, and also prove that the state banks in New York were actually in debt to the branch.

29. Did not the Bank of the United States, on the 28th November 1816, resolve to remit to the holders of United States Bank stock residing in Europe, their dividends free of expense, and was that arrangement calculated to aid the United States Bank, or the other banks, in resuming or sustaining specie payments?

I should think it was. The dividends of foreign stockholders must be remitted to them in some way. If the bank did it, this could not add to the amount to be remitted, or increase its pressure on the country. On the other hand, if the measure created a demand in Europe for the stock, the purchase of it on foreign account was equivalent to a remittance in specie, and so far operated to relieve the bank from a demand for specie to remit.

30. Did not the United States Bank commence operations by discounting the notes of its stockholders on pledged stock, which soon amounted to eleven millions, by receiving three-fourths of its second instalment in the same manner—by increasing its discounts in the first fifteen months to an amount exceeding forty millions of dollars, and by throwing into circulation, in about the same time, some ten millions of paper money?

As far as I have had time to examine these details, I think they are erroneous.

1st. The bank did not commence operations by discounting the notes of its stockholders. The first instalment was payable on the first of July 1816. From the statements contained in the report of the committee of Congress, it appeared that it was paid,

In coin,	1,428,694 55
In stock,	6,971,305 45
	<hr/>
	8,400,000 00

The second instalment, January 1, 1817, subscription by United States,

Cash,	3,534,557 99
Coin or notes of specie paying bank stock,	6,263,522 33
	<hr/>

\$9,798,080 32

Now, the whole amount of bills discounted except 500,000, loaned to government on the 24th February 1817, amounted to

2,930,067 33

And of that amount, the whole amount discounted on bank stock up to 30th of January 1817, was

182,642 40

An amount which so far from increasing was actually diminished; for on the 30th of April, they were

129,000 00

The whole therefore of the 9,797,080 32 which could have been paid by discounts on the stock was

182,642 40

Not certainly three-fourths, but rather less than two per cent.

Nor 2d, Did the bank within fifteen months from its establishment increase its loans to more than 40 millions of dollars, and issue "ten millions of paper money."

On the 1st of March 1818, its issues were only 8,339,448 20, not ten millions. Its investments on the 1st of March 1818, amounted to 41,181,750 80. But then of these investments \$11,244,514 19 were the loans on stock being the mere conversion into that form of the 10,944,033 41 of government stock which the government redeemed—making an increase of only 300,480 78 in the exchange from stock to stock loans.

In regard to the opinion that the bank too early expanded its loans and issues, there is one decisive answer, that the bank, from the first hour of its creation, was urged and goaded by the government into an enlargement of its business in a manner which, however it may be regretted or reproached, it was certainly difficult to



resist, and the fault, if fault there were, belonged rather to the government than the bank. There can be no testimony on that subject more conclusive than the speech of Mr. Lowndes, one of the committee of investigation, delivered in February, 1819.

"Even after the 20th February 1817, the bank might have pursued the *cautious policy* of withholding its accommodations from the government of the people, until the reduction of other paper, had made its issues necessary and safe. It might have preferred its interest to its duty. The state banks unable to comply with the requisitions of Congress, which demanded from them the resumption of specie payments, must have lost their credit with the community. The government indeed might have been embarrassed, the public debtors distressed, and the state institutions have been brought "to the alternative of avowed bankruptcy"—but these competitors for public favor and employment, would have been removed, and the national bank would have entered into the full enjoyment of the monopoly, which the ruin of every other institution would have prepared. This might have been its interest. But there were other interests to be consulted—those of the government and the people. The bank had not been established for the purpose of giving to its stockholders the harvest which such a policy might provide. It was the instrument by whose use we hoped to secure the resumption of specie payments, constructed not for its own sake, but for ours. The act of the legislature, and the proceedings of the treasury department, would show how incompatible with the objects of the institution would have been that postponement of its operations, or that gradual commencement of them, which was recommended now, when the difficulties of the time were forgotten. The fourteenth Congress was aware that a narrow view of its exclusive interests, might induce the national bank, to adopt the policy which the committee had described. The acts which they passed provided that, as soon as the amount of the first subscription (\$8,400,000) should be received, the bank should thenceforth commence and continue its operations. The twenty-second section reserved to Congress, the power if it should not go into operation before the first Monday in April, (at which time its third instalment was not due) to declare its charter void. This was the measure of the legislature to secure the early operations of the bank. Those of the treasury department were in entire consonance with its principles."

"The first object which the government expected to be attained by the national bank, was that of throwing into general circulation by the 20th of February, an amount of notes sufficient to enable the public debtors to comply with their engagements."

"It was impossible to do justice to the conduct of the national bank—at least for the first year of its operations, without attending to the new obligations in which this compact involved them. Proposed by the executive government, and sanctioned by it—required by the interests of the people, and necessary to the credit of the local institutions, there could be no other objection to the act, than it accorded better with the public interest, than with that of the stockholders. Under this compact the bank became bound to discount six millions (exclusive of revenue bonds) before the 20th of April, and to sustain with its unbroken credit, and its whole capital, every bank which joined in the arrangement. The effect of this arrangement was not only to force the bank into earlier operation than a selfish policy might have recommended, but to oblige it to renounce the resource which the state banks might have afforded, for the supply of specie. South of New England there was no specie in circulation."

31. Was not such an administration of the bank calculated to produce agitation and disorder in the currency—to disturb the business of other banks, and to convulse trade?

32. If you think an institution thus administered was

an efficient agent in restoring or sustaining specie payments, will you explain in what manner it contributed its aid?

I have already expressed my opinion that the bank not only contributed to restore specie payments, but actually caused the restoration.

Of the first administration of the bank I had no personal knowledge, and have little information beyond what has long been published. But as they who administered the affairs of the bank have passed away, and are no longer in a situation to vindicate themselves, it is the more fit that historical justice should be done to them. The situation of the first administration of the bank was extremely difficult and delicate. They had to achieve the most critical of all financial operations, the passage from a vitiated to a sound currency. Mistakes they may have committed—but I think their misfortunes proceeded mainly from two circumstances, first the impatience of the government and the country, which urged the bank to so early an increase of its business—and secondly, the rapid payments of the public debt. This last is of itself a great misfortune. No country has ever yet been fortunate enough to pay its debts, and none therefore, has felt the great inconvenience of suddenly throwing back on the community the accumulation of capital composing a national debt.

Thus, on the 29th of July, 1817, the government had in the bank of deposits 24,746,641 26, consisting, in a great degree, of the notes of distant banks professing to pay specie, the whole of which was assumed by the bank. With this fund the government paid the bank itself 13 millions of the stock belonging to its capital, and paid out the remainder so as to reduce the deposit to 1,478,526 74. Such an operation was in itself calculated to disturb all the relations of trade, and the mere vibrations of the government deposits, received as much of it was in distant and unavailable paper, and paid as they were in the notes of the bank, could not fail seriously to derange its operations.

But whatever may have been its embarrassments, or even its errors, it cannot I think be denied, that it substantially accomplished all the great purposes of its creation.

33. Did the bank import, between the 30th July 1817, and the 5th November 1818, \$7,311,750 53, in specie?

The bank did import that amount of specie, the first arrival being on the 30th of July 1817, the last on the 5th of December, not November 1818.

34. Had not the banks resumed specie payments near six months before the arrival of any of these importations?

The banks agreed to resume specie payments on the 20th February 1817. They did this in consequence of the aid of the Bank of the United States, who in order to sustain them as well as itself, ordered this importation, which it was known would arrive, as it actually did arrive, in time for that purpose. For all the objects of sustaining specie payments, it was as effectual as if it had been actually in the vaults of the bank in February 1817.

35. Did not the difficulties of the bank commence in July 1818, and were they not at their crisis in March and April 1819, four months after the bank had completed its specie importations?

I do not know what its difficulties were in July 1818, nor what is to be considered the crisis of them.

36. What is your opinion of the policy of using extraordinary means to import seven millions of specie, while effectual measures are at the same time taken to drive it out of the country faster, by increasing the loans of the bank and its notes in circulation, upwards of fifty millions of dollars?

My opinion is, that to force in specie and at the same time to force it out, would be extremely bad policy. But if it be intended to convey the impression that the bank followed such a policy, nothing can be more erroneous. It is here said, that the bank at the same time



it was importing specie, *increased* its loans and its notes in circulation, *upwards* of fifty millions of dollars. Now the fact is, that the highest amount of loans, public debt, and circulation, on the 6th of

July 1818, amounted to \$59,935,127  
On the 30th of July 1817, the same objects were 50,936,322

The largest increase therefore, from 30th July 1817, to 6th July 1818, was 8,998,805

If the first and last periods of importation are compared, it would stand thus:—

5th December 1818, loans, public funds, and circulation, \$54,488,984  
On 30th July 1817, they were 50,936,322

Actual increase of loans on 5th December 1818, 3,552,662

But on the 31st July 1817, the Bank of the United States held claims on sundry banks to the amount of \$12,953,436  
And on the 1st December, these objects were 3,782,603

In this time the state banks had paid 9,170,833

This increase of means by the conversion of claims on the state banks into active funds, are nearly three times the amount of the actual increase of loans and circulation of the Bank of the United States.

37. Had not the parent bank less specie in its vaults after it had finished its importations than before it commenced importing specie?

No—not merely the parent bank, but the whole institution had more specie after than before the importation.

38. Did not the bank at the commencement of its difficulties in July 1818, and again on the 9th of April 1819, adopt resolutions to collect the balances due from the local banks, and did these measures aid the state banks in sustaining specie payments?

Supposing this to have been the case I should think it would. If specie payments were to be sustained by limiting the issues of all the banks, and the Bank of the United States was diminishing its own business, the only effectual way of inducing the state banks to follow its example would be by calling for what was due from them, instead of suffering them to discount on the balances due to it.

39. Was not the bank of the United States compelled to curtail its loans ten millions, its circulation five millions—to incur a foreign debt of a million and a half, besides a loan of two millions at three years credit—to apply to government for relief in various forms and to acknowledge to the secretary of the treasury its utter inability to pay the Louisiana debt of three millions, without a loan in Europe?

No time is mentioned, but if this question refers to that stated in the preceding interrogatory, the answer is best given by reference to the actual state of the bank in July 1818, and April 1819.

The 6th July 1818, the loans of the bank amounted to 41,458,984  
On the 1st April 1819, they were 34,080,025  
The 6th July 1818, the circulation was 9,045,216  
The 1st April 1819, 6,045,428  
The 2d July 1818, the bank owed in England 1,884,513  
The 8th April 1819, it only owed 992,865

From this it appears that its loans were curtailed only 7,378,959, and not 10 millions; its circulation 2,999,788, and not 5 millions, and its debt in Europe was reduced 992,865 29. At a subsequent period the bank did negotiate a loan in England for 2,040,000 to pay in Eu-

rope in October 1819, that part of the Louisiana debt reimbursable there—but the only real relief it asked was what it claimed as a right, the payment of its own notes only where they were payable. Even this was denied, and the bank then relieved itself out of its own resources.

40. Was not the bank indebted to Stephen Girard, \$130,000, which it could not pay, and did it not owe on the 12th of April 1819, to the Philadelphia banks \$196,418 66, with but \$71,522 47 in its vaults?

The bank was perfectly able to pay its debt to Mr. Girard. Mr. Cheves writing on the 20th of March, says—"Mr. Girard alone has a balance of near \$130,000, the others also about \$46,000," but he does not say a word about not being able to pay it. On the contrary, upon the very day when this sum of \$176,000 was due, if all these banks had come for payment, the bank was able to pay them all, for on that very day it had,

In the vaults, \$187,764 89  
At the mint, 215,768 48  
—403,533 37

Then on the 12th of April it owed 196,418 66

It had in the vaults, 71,522 47  
At the mint, 267,978 09

Within a few miles, which arrived the next day, 250,000 00

589,500 56

State bank notes, 93,675 68  
—\$683,176 24

A sum of \$683,176 24 to pay \$196,418 66, if all the banks had chosen to do, what all the banks never did do, call at the same moment for all their balances.

Three days afterwards the debt to the city banks was \$169,104 51

And there was in the vaults,

\$301,549 70  
At the mint, 285,187 18

making 586,736 88

41. Has not the president of the bank in his exposition in 1822, stated that the bank was saved by the fortunate arrival of 250,000 in specie from Ohio and Kentucky?

He does not state this, nor any thing resembling it. He states only that this \$250,000 "arrived seasonably on the next day, or a day or two after." It arrived "seasonably," but it was expected, for it had been ordered for some time before; but not a word is said about saving the bank by it.

42. Is it your opinion that a bank thus managed from January 1817, to April 1819, could have essentially contributed to aid the state banks in resuming and sustaining specie payments?

I have already given my opinion that the bank of the United States not only contributed to the resumption of specie payments, but caused it.

## SKETCH OF SINKING VALLEY.

BLAIRSVILLE, INDIANA CO. }  
June 5, 1832. }

Mr. Hazard:

I am much pleased with the plan of your work, and the mode of execution, so much so, that I feel inclined to attempt a description of the Bald Eagle valley, and Juniata river, in conformity to the suggestion contained in the remarks which precede the introduction of the articles on these subjects, from the Columbian Magazine of 1788. [See Register, Vol. 8, page 36.]

About the year 1800, perhaps in November, 1799, my family *moved* into this valley, and settled about six miles below the fort, called the Lead-mine Fort, near



the foot of the Bald Eagle mountain, or ridge, as it is now called. I continued to reside either in the valley or the neighborhood;—seldom further off than Huntingdon, until 1820, with the exception of one or two excursions, the longest, short of six month. I was a lover of nature from my boyhood; and in no part of our happy state did she more freely exhibit her beauteous freshness than in *Sinking valley*; for it is by that name that the region described by B. is now known. It constituted Tyrone township, in Huntingdon county, for many years. I believe it was divided into two election districts, in the session of 1819–20. The census for Tyrone township, for 1830, I have not seen, but it will compare to advantage with the “sixty or seventy families living in log-houses,” which B. gives as the population in 1779.

In 1820, the following manufactories were in operation in this valley, viz:

One forge, four fires and two hammers.

Four grist-mills.

Five saw-mills.

A furnace had been carried on for some time, but operations were suspended in 1817 or '18.

Across the river was a rolling and slitting-mill, paper-mill, oil-mill, and three nailing machines—water power. A very extensive flouring-mill, a large stone barn, stone dwelling-house, and numerous out-houses, have been built of beautiful blue limestone, near where the Arch spring “throws out” its water, “with some degree of violence,” on a rich and well cultivated farm.

The lead mines have been long since abandoned. The upper lead mine, as it is called, on the lands now belonging to a German family of the name of Crissman, exhibits but the traces of former excavation, and trifling indications of ore. The lower one, about a mile in direct distance from the little Juniata, was worked within my remembrance, under the superintendence of a Mr. Sinclair, a Scotch miner from the neighborhood of Carron Iron-works, in the land of cakes. The mine then was owned by two gentlemen—named Musser and Wells. The former, I think, lived and died in Lancaster county. Mr. Wells was, probably, a Philadelphian.

Three shafts were sunk to a great depth on the side of a limestone hill. A drift was worked into the bowels of the hill, possibly a hundred yards;—six feet high and about the same width. This was expensive. No furnace or other device for melting the ore was ever erected at this mine. Considerable quantities of the mineral still lie about the pit's mouth. The late Mr. H——, of Montgomery county, who had read much, and practised some in mining, (so far as to sink some thousand dollars,) visited this mine in 1821, in company with another gentleman and myself, and expressed an opinion, that the indications were favorable for a good vein of the mineral. But the vast mines of lead in the west, such as Mine a Burton, and the Galena, where the manufacture of lead can be so much more cheaply carried on, must forever prevent a resumption of the business in Sinking valley, unless indeed, some *disinterested patriot* shall procure the adoption of a *tariff of protection*, for the lead manufacturer of the happy valley.

B. speaks in his third paragraph, of “the people of the valley” having “made the first attempt,” at opening the earth on a small hill on the road to Huntingdon, &c. I am informed by ancient letters, that the “people” were looking for *silver*.

A remarkable, irregular trench, the vestiges of which can yet be seen, with occasional interruptions, runs from the upper lead mines to the neighborhood of the lower—it is at least six miles in length. It was found there by the earliest emigrants, and thirty years ago, stout trees grew on the banks of earth thrown out in excavating it. It was there, it is said, and ancient in its appearance, when Roberdeau erected or commanded the fort at the upper lead mines. Conjecture has attributed it to the French, whose exploring parties searched extensively for minerals in Ligonier valley, while that nation held Fort Du Quesne. So great a labor, it was supposed, would only have been commenced in search of a *precious metal*, and could only have been encouraged to perseverance, by success. Not Black Beard's guarded hoards have been more sedulously sought after on the sea-board, than have those unknown, and *uncomeatable* ores, supposed to lie buried somewhere, either in Sinking valley, or on the bank of the little Juniata, the eastern boundary of that valley.

The delusion passed off in proportion as the early settlers and their progeny died away, or removed to the “Great West.” But it was current in my young days. Now, however, Sinking valley is not torn with the pick, the crow-bar, and the shovel, as formerly; but subjected to the fertilizing influences of the plough, the hoe, and the harrow. The change of implements has been every way beneficial; it is the richest body of land; shows the best agriculture; and contains the best and wealthiest farmers in Huntingdon county.

It is true, as stated by B., “forty-three years since,” that iron ore is found in many places in that valley. I know of but one mine however, that in my opinion, can be said to be of value. It is on the land of Alexander Dysart, Esq. formerly a member of the senate. Several places elsewhere have been tried without permanent success. This valley having been one of Penn's manors, all mines and minerals are reserved (by their deeds to purchasers) to themselves and their heirs; with free right of “ingress, egress, and regress, with work-men, cattle, and carriages,” &c. &c. It is possible that this reservation has damped the ardor of discovery, or prompted to concealment.

In the year 1811, I passed a winter in the city of Richmond, with a relation. I there met with the magazine you extract from, and well recollect the plate representing a man, with a book in his hand, I believe, on the arch or hill through which the spring flows. The representations, so far as the hill and stream are concerned, are pretty correct.

On my return to Pennsylvania, or rather to Sinking valley, in the spring of 1812, I determined to search for the iron mine described in B.'s seventh paragraph, which I had never heard of before, though I had been clerk at Union Furnace, erected two years before by Messrs. Dorsey and Eyans, in the valley, for about



eighteen months, and had made frequent inquiries and searches for a "mine-bank," in iron works phrase, in the valley. I copied the whole paragraph before I left Richmond, and on my return went to the house of an old friend, who by the description, I knew must live within two miles of the mine. I showed him my extract, but he knew of no such place. When he came to that part of the description which speaks of the cattle some times swamping in the spring of the year, he at once identified the place, and calling for his horse, we instantaneously went to the spot. I communicated the information to Messrs. D. and E. They procured permission from the land-holder, and I believe, continued to use of the ore as long as their furnace was carried on.

As to copper ore and copperas, there never has been any body of either found. Indications of copper ore are said to have been found below Huntingdon, at Drake's ferry, or near it. So also of copperas.

In November last, I observed copperas on a slate-rock about a mile below Huntingdon. Myself and Mr. M'C. innkeeper in Huntingdon, and well known to Judge M. and others of your city, who frequent, or have been much in Huntingdon, tasted it. No doubt could remain that it was copperas. It is likely alum may be found in the same way, as both copperas and alum are at every pit of bituminous coal in this country, but not in such quantities or combinations as to justify the attempt to manufacture those articles for sale.

I have entirely wandered from the description intended, so far indeed, that, like Macbeth, my almost namesake, I find it easier to proceed than to return. Permit me then, as an attempt at propitiating your patience, so justly offended, to relate a very remarkable fact in relation to this silver-hunting business in the olden time, which never has appeared in print, or been committed to letters, that I know. For the purpose of precluding suspicion as to the narrations made to me, or in my presence, I shall give names at full length which you may, or need not publish, at discretion.

The Arch Spring at ordinary stages of its water, pours its whole volume into a "sink-hole," as termed in this valley, where there are many, at the base of the Canoe mountain. When swollen, however, by thaws or rains, it has ready access to the little Juniata river, by a channel never used but on such occasions; and flows in a rapid stream down a deep and narrow dell between the Canoe mountain and the high table land of the valley, which here assumes the appearance of a limestone ridge. The tract of land on which it *debouches* into the little Juniata, was purchased by Messrs. Dorsey and Evans, from a Mr. J. I. who now owns the Arch Spring itself, and the farm on which it arises. While the furnace and works appurtenant were in progress of erection, Mr. I. called one day at our boarding-house, an old log building in which he had himself resided, on his first settling on that tract of land. The day was wet and much desultory conversation passed. Among other things, some one inquired why he had dug a *mill-race* which was spoken of, in a place where, to a very superficial judgment a good scite could not be had,

and neglected an excellent one a very few perches lower down the river, both quite near the house. I do not pretend to give the words of his answer, but in the substance I am not mistaken.

"About years ago, (I forget how many,) a man came here," said Mr. I. "from one of the cities, who said, he had received a letter from Amsterdam, setting forth, that many years before, two men in descending the little Juniata in a bark canoe, in which they had a quantity of silver bullion, met with an accident, by which their canoe was broken. Being fatigued and unable to carry their burden on foot through a wilderness, they buried it near the mouth of a run, to the description of which this place answers well. 'With your permission,' said the stranger, 'but not else, I will make some examination.' To this," said Mr. I. "I at once agreed. He then went on to tell me," continued Mr. I. "that on the south side of the run such a distance from its mouth, was a spring; on the east side of the spring grew a white oak tree, within a yard or two of the spring. He had found all these marks combined at my spring, and now wanted permission from me to cut into that tree on the side next the spring. If he was right in his conjecture as to the place and tree, a whet-stone and iron wedge would be found in the tree: so many feet in a south east direction from its root, the bullion lay buried. There was no scar on the bark by which you might suspect that ever an axe had marked it. I told him to cut in and try it. He did so, and to my utter astonishment, a few chips being taken out, an *axe-mark* was seen; and as I am a living man, *the whet-stone was there*. The iron wedge was not found; but some years after, one was found by accident in splitting a tree for rails about a mile lower down the river, almost in the heart of the tree.

"The stranger dug first in the proposed direction, and then in every other, he was not successful, and at length went away. Because I soon after began this unfinished mill-race, people in the neighbourhood have always suspected that I found the silver, but," said Mr. I. pleasantly, "I wish I had." *He was right*, it was early, and generally believed that he had found it, and that belief was encouraged by the statements of a laboring man, who worked in the mill-race all day, and heard I. at work there, all hours in the night. The labourer added, that one night unusual movements in the lower story, such as whispering, between Mr. I. and his wife, and the attempt to remove the puncheons of the floor, led him to believe the treasure was found, for soon after the mill-race was abandoned.

Mr. I. is a wealthy man. He was poor when he lived first in the log cabin by the mouth of Arch Spring run.

I remember having seen one of the miners who had been employed at the upper lead mines. He was a Highlander, and when animated by a "highland gill," could box, dance, or sing in Gaelic, *without* a competitor. *He said*, that an English man named Gibbon, was very fortunate in refining the ore, and extracting silver. He further stated, that he saw a mass of silver which Gibbon had procured about the size of a *tin-bucket*. Honest John McL. was a man of integrity, and I have no doubt



that he meant to speak the truth. He did not say the *tin-bucket*, of which he made a standard, was of any particular size.

R. B. McC——.

#### PHILADELPHIA, GERMANTOWN, AND NORRISTOWN RAIL-ROAD.

We have the gratification of laying before our readers, the address delivered by E. H. BONSALL, Esq. the president of the company, at Germantown on the 5th inst. at the celebration of the opening of the road, with a copy of which we have been politely furnished. It will be read, with pleasure, by our fellow citizens, a large number of whom will doubtless be benefited by the completion of this improvement.

GENTLEMEN:—The occasion on which we have met, is peculiarly interesting to many of us, and is no doubt productive of gratification to all who are now present. It is to celebrate the first realization of hopes long cherished; the first recompense for large capital invested, and untiring efforts zealously directed to the completion of a work which is destined richly to reward the stockholders, and extensively to promote the interests of the community. The epoch appears to be sufficiently important to elaim a short address, principally with a view to giving a hasty sketch of the origin of the project of constructing a Rail-road from Philadelphia to Norristown by way of Germantown, and also of the progress of our operations to the present period.

It will be seen that this work, now so commanding in its aspect, like many other highly important undertakings, is the result of very small beginnings. The seed was sown and amidst alternate chill and sunshine, it vegetated. The plant sprang up and having been kindly nurtured, it has already attained a goodly growth. The project took its rise in Germantown, and nearly all the primary movements for its furtherance were limited to that place, aided by a few citizens of Montgomery county, and two or three gentlemen of Philadelphia.

Pursuant to a resolution of a public meeting held in October 1830, an experimental exploration was made by a party of engineers, under the immediate direction of John Edgar Thompson, for the purpose of ascertaining the practicability of the contemplated work preparatory to making application for a charter. In addition to this, a voluntary examination was made by a party of the citizens of Germantown along a different route, which resulted much to their satisfaction. The report made to the adjourned meeting of the citizens embraced the facts developed by both of these examinations, and on this report an application was made to the legislature, which resulted in the incorporation of the present company. The company was formally organized on the 3d day of May, 1831, and in about two weeks afterwards the engineer department was arranged, and directions were given to commence the survey forthwith, and locate the line as promptly as circumstances would admit of. After various explorations, the location of a portion of the line was so far progressed in on the 1st of August, that a contract was entered into for the construction of five miles of the road, from Poplar lane, northward, and the first pick was put into the earth on the 10th day of August. This contract was entered into by the board, with a full confidence that it would greatly promote the interests of the company, as the contractor exhibited recommendations from some of the first men of the state. Yet as is generally known, it proved an entire failure, and was abandoned in November. New contracts were immediately entered into with a number of individuals, and the work was prosecuted with unabated vigor during the entire winter from a conviction on our part, that the interests of the stockholders required its completion at the earliest possible period of the present season.

As we advanced, circumstances indicated the propri-

ety of a re-organization of our engineer department which was effected on the 1st of March last, having previously, on the 16th of February, elected Henry R. Campbell chief engineer. This event infused new life into our operations.

On the portion of the road over which we have this day passed, there were on the 1st of March 8000 cubic yards of rock, and 25000 cubic yards of earth, remaining to be excavated. There were at that time comparatively no materials in our possession for completing the road, excepting some stone which we had broken along the rock sections near Germantown, and say 5000 stone blocks, and a few rails which had arrived in one vessel, but no chairs, bolts or keys; in short, nine-tenths of the iron was still in England, and in the course of transit to this country. At this time a contract was entered into, under a penalty on the part of the contractors, requiring the completion of one track of six miles of rails, on or before the 15th day of May then ensuing, based on an understanding that the company should have the road formation completed, and the materials furnished in due season.

Let us review the field of labor which we found at that moment extended before us. First road formation and bridging, stating every thing in round numbers for the sake of convenience. Say 8000 cubic yards of rock to be excavated, and 25000 cubic yards of earth to be removed and formed into embankments.

Two large bridges, (one of them a stone arched viaduct, of 33 feet span,) to be contracted for, and with a large portion of the wing walls, arch and parapets of the Cohocksink viaduct, to be built. The timber for the superstructures of the several bridges, including the viaduct over the turnpike, was still in the form in which nature had fashioned it, not having yet entered the saw mill. The one track required for its completion, 21000 stone blocks, 4250 rails, weighing 350 tons, 21000 chairs, weight 120 tons, 42000 screw bolts, 21000 keys, and from 12 to 15000 perches of broken stone.

There was also a large amount of engineering to be done in preparing the road for commencing to lay the track, and also in constant attention to the layers, through the different stages of their progress, in giving them the centers, the levels for the blocks, and the lines for drilling the holes for the bolts.

The amount of work to be done within the compass of a few weeks was indeed great, and the contingencies were numerous by which our efforts might be thwarted; but nothing daunted, all parties on whom its immediate performance depended, willed that if energy could effect it, it should be done. You have seen the result. This indeed, is not the 16th of May, but as the second track is now in a state of considerable forwardness, the materials for the completion of which are nearly all in our possession, the aggregate of work done, and materials furnished, is more than equivalent to the completion of one track, on the day first named.

Let us attempt to unveil the future and contemplate the permanent prospects of the company as regards resources for transportation, and income. It is probable that even amongst our stockholders, there is a very limited acquaintance with this subject, so important to their interests. It may be proper here to premise, that by a supplement to our act of incorporation, which was passed by the legislature in April last, the company has had ample transporting powers conferred on it, and is thus enabled to make such arrangements for the conveyance of both passengers and tonnage, as will best accommodate the public, at the same time that they secure to the stockholders a just and ample reward for their labors and expenditures. We will first turn our attention to the resources for passengers. There is not probably in the United States a district of country of the same extent so populous as the vicinity of our line, from Philadelphia to Norristown, in addition to which, it is a great thoroughfare for stages from points more remote; the passengers in which will no doubt be convey-



ed on our line, between the points of intersection with it and the city. From a combination of these circumstances, the conveyance of persons, who are now in the habit of passing from point to point, must be very great, and when we reflect that in all instances where the facilities of communicating between different places are increased, the absolute passing of individuals to and fro is greatly enlarged, we may safely count on not less than two hundred of what may be termed *business* passengers daily in each direction, on an average distance of more than eight miles, exclusive of those who will ride for pleasure or the gratification of curiosity, which classes will always be numerous, as on account of the novelty of mode, the rapid and delightful movement, and an exemption from the annoyances of both dust and mud, whatever may be the character of the weather; for pleasure riding in gigs and carriages, many persons will substitute a rail-way trip to Germantown, Norristown, and more especially to the romantic Wissahiccon, the scenery of which has only to be viewed, to exact the admiration of thousands who are now ignorant that so much native grandeur rests comparatively unnoticed, unthought of, unsung, within an hour's ride of Philadelphia. Some general estimate of the number to be conveyed during the present season, may be formed by comparing our road with the Baltimore and Ohio road when the latter was first opened for transportation.

With one track only to operate on, although Baltimore was much less populous than Philadelphia, as was also the vicinity of the line of their road, than is that of ours, the income derived from this source was upwards of 20,000 dollars. We will now notice the transportation of heavy commodities, reciting only the more prominent items. First, the flour from the Wissahiccon mills, and the greater part of the grain to them. These mills are said to manufacture upwards of 40,000 barrels per annum! Next, granite, extensive quarries of which have been recently discovered, which in quality will rival that of Maine and Massachusetts. Many thousand tons of this must annually seek the Philadelphia market. The limestone district of Plymouth and Whitmarsh, through which we pass, taking the present amount of that mineral conveyed from thence to the city, as data, will furnish, say 50,000 tons per annum. But this amount must be greatly increased as the cost of conveyance, which is now seven cents a bushel, will be reduced to about two cents, and will thus excite a great demand for it from the states of Delaware and New Jersey, for agricultural purposes, as well as for building. Iron ore of an excellent quality is found along our proposed line. This is now carted several miles to the Schuylkill river at a heavy cost, to be boated to the furnaces in New Jersey to be smelted. The principal marble quarries from which the city receives its supplies, will be within our reach. Our north-western termination will be at an excellent harbor at Norristown, from which Schuylkill coal will be received and conveyed, at least to supply the consumption along the line, if not to be taken to Philadelphia. To these items must be added many thousand tons of building, curb and flag stone, extensive bodies of which are found along our line, within such a distance of the city, as to enable them to compete to great advantage with the quarries of Delaware county, which have heretofore nearly monopolized the business. Store goods, and the numerous items of lesser amount, which may be classed under the general head of sundries, will greatly increase the aggregate tonnage of heavy commodities, which aggregate, together with the conveyance of passengers, will insure an income fully equal in amount to the dividend which the act of incorporation admits of, and when the company recently incorporated to construct a Rail-road from Allentown near the coal regions of the Lehigh, to intersect ours at Norristown, complete that important work, our road will be second in value to none in the United States.

These statements are by no means imaginary, but are

founded on existing facts, with which I claim a personal acquaintance. But if we were to indulge in a calculation on the natural succession of events which must follow certain operating causes, the picture presented would be much more highly colored. It is a well known and universally admitted axiom of trade, that in proportion as we lessen the cost of commodities, we increase the demand for them. This principle will be found to operate with especial force, in the conveyance on our road of ponderous articles of comparatively small cost, when we compare it with their conveyance on the common roads of the district. As for example lime, the saving on the transportation of which will make a difference of twenty-five per cent, in the gross cost of the article delivered in Philadelphia.

I have been desirous of confining this address within as narrow limits as possible, or I might here enter into an examination of the comparative merits of Rail-roads and Canals as mediums of conveyance. Yet as regards the interest of our company, the solving of this problem is of no moment. We have no comparison to make between our road and a canal, as no canal can ever be so located as to compete with it. Our competition can only be with the turnpikes and the common highways of the district, and when we reflect that the power which is required to move a load of a given weight, on an entire level of the best turnpike, will take the same weight on a Rail-road up an ascent of nearly 140 feet to the mile—and that these highways have ascents of 300 feet per mile, whilst our road is but little beyond 30 feet, it will at once be seen that the difference of motive power and consequent cost of transportation must be immense.

There is something peculiarly interesting in contemplating a work of this kind, where sound practical sense, working with the lever of science, has brought the intractableness of nature into comparative subjection; has made the rough places smooth, and its onward march has depressed the lofty hills, and elevated the lowly valleys. A feeling of this kind will thrill in the breast of almost every traveller, and will be awakened at each repetition of his passing over a rail-way, so as to be ever new, and ever interesting.—*Phila. Gaz.*

#### RAIL-ROAD.

The travelling on the road since Wednesday, has surpassed all anticipation. It is supposed that on Sunday last, not less than three thousand persons were conveyed to and from this place—which, at twenty-five cents each, would yield \$750,—besides we are informed, that at least one thousand persons, at the depot, were disappointed in obtaining seats, notwithstanding eleven cars run each way six times during the day. On Monday, the throng of travellers was equally great, and the receipts consequently very encouraging.—*Germantown Tel.*

From the Delaware County Weekly Visitor.

#### EXTRAORDINARY GROWTH OF WOOL.

Was sheared from the back of a "Ewe" belonging to Mary Lynn of Concord, Delaware county, on the first of May, a fleece weighing nine pound. The wool is of a good quality, and very free from coarse hairy excrescences peculiar to some species. This sheep is one year old—of ordinary size,—is of the English stock, crossed with a mixture of the Bakewell, and was raised and fed under the immediate care of Mrs. Lynn. P.

Concord, June 8, 1832.

PHILADELPHIA AND NEW YORK.—Our friends in Philadelphia must look to it, or they will lose a goodly portion of the trade of Easton. The Morris canal is now in tolerable navigable order, and the quantities of salt, fish, plaster of Paris, and other articles which line our wharves, betoken a fair trade with the great commercial emporium. In a few days, however, we hope to see the Delaware Canal navigable, and then we may be able to tell a different tale.—*Easton Argus.*



## CENSUS OF MERCER, MIFFLIN, NORTHUMBERLAND

NAMES OF Towns, Boroughs and Townships, IN MERCER CO.	MALES.												FEMALES.					
	Under 5.	5 to 10.	10 to 15.	15 to 20.	20 to 30.	30 to 40.	40 to 50.	50 to 60.	60 to 70.	70 to 80.	80 to 90.	90 to 100.	Under 5.	5 to 10.	10 to 15.	15 to 20.	20 to 30.	30 to 40.
Mahoning,	245	177	163	115	196	118	74	40	39	18	6	1	198	174	144	146	207	106
Slipperyrock,	144	124	106	71	112	75	57	33	19	11	5	0	163	117	97	75	125	74
Shenango,	134	131	108	78	119	78	49	23	32	8	1	1	131	102	86	78	126	67
Wolfcreek,	119	100	74	66	93	65	41	39	21	6	3	0	115	103	75	64	111	58
Lockawanock,	117	92	59	50	88	64	42	27	13	11	4	0	129	87	71	53	104	63
Springfield,	117	86	86	48	83	45	42	23	15	2	3	0	86	81	61	61	95	51
Neshanock,	159	155	100	90	161	89	48	39	25	9	1	0	157	123	94	103	152	76
Mereer,	54	46	33	31	67	35	21	15	10	3	0	0	53	43	43	39	67	38
Delaware,	92	82	61	48	67	47	38	23	8	7	2	0	91	73	61	40	77	41
Salem,	101	79	67	60	101	51	37	19	20	4	2	0	114	103	74	62	87	62
West Salem,	179	140	113	106	168	97	59	38	27	15	3	0	170	136	122	94	155	80
Pamataning,	142	106	77	63	105	70	28	31	22	6	3	0	133	94	76	68	112	65
Sandy Lake,	82	57	39	21	64	36	24	13	9	9	1	0	63	63	43	30	65	35
Sandy creek,	121	82	58	51	80	58	39	22	5	2	1	0	108	80	70	52	109	45
French creek,	43	38	35	22	49	16	14	14	4	1	0	0	37	36	26	43	30	21
Coolspring,	87	80	71	53	80	54	39	31	15	11	5	0	102	93	60	61	80	61
MIFFLIN.	1936	1575	1250	973	1633	998	652	430	284	123	40	2	1850	1508	1203	1069	1701	943
Waynesburg,	207	192	218	286	819	385	102	38	29	5	0	0	197	184	183	131	274	145
Farmanagh,	128	97	84	84	160	98	40	23	15	8	2	0	197	87	81	76	140	79
Greenwood,	160	152	162	124	136	102	86	43	28	7	2	0	186	169	145	143	166	95
Walker,	101	100	112	80	119	79	45	25	15	9	2	0	91	108	79	81	148	65
Lewistown boro'	90	65	64	87	266	141	52	25	6	0	0	0	74	53	71	81	133	68
Derry,	200	162	149	141	569	292	68	55	24	4	0	0	170	165	122	136	199	109
Decatur,	76	63	61	28	62	42	20	23	6	4	0	0	69	56	51	47	61	47
Arinagh,	190	165	141	130	199	132	69	42	34	9	4	0	192	145	149	133	188	109
Union,	179	165	102	88	124	117	43	27	13	5	3	0	183	133	117	78	158	103
Tuscarora,	66	64	64	37	78	43	28	21	12	8	2	0	49	61	52	40	71	46
Milford,	139	118	94	82	106	89	56	34	24	9	3	0	115	120	106	88	141	79
Lack,	69	58	48	25	52	37	26	13	12	5	4	0	55	53	39	18	57	42
Turbett,	88	81	76	77	103	57	40	27	16	10	0	1	69	75	73	84	101	52
NORTHUM- BERLAND.	1789	1471	1383	1258	2783	1603	675	396	234	73	22	1	1536	1409	1248	1136	1837	1026
Turbut,	292	243	221	228	253	190	113	73	14	25	5	0	301	245	214	215	280	169
Milton borough,	112	77	75	122	203	63	41	21	7	5	1	0	91	88	80	76	117	66
Chilesquaue,	104	83	84	53	89	66	49	27	19	8	1	1	104	99	89	60	103	61
Point,	79	62	71	35	261	51	25	21	7	5	1	0	63	52	48	35	73	41
Northumb.boro'	68	56	52	80	166	60	32	22	11	4	2	0	75	64	67	76	87	61
Rush,	90	81	76	61	89	49	34	34	23	5	1	1	110	69	86	47	90	52
Augusta,	206	159	145	132	182	102	65	44	33	14	1	1	183	155	135	137	180	95
Sunbury boro'	88	60	58	44	109	67	35	19	10	6	0	0	88	75	62	58	108	64
Shamokin,	208	158	118	97	131	112	58	47	26	16	6	0	181	146	118	87	161	111
Little Mahonoy,	62	44	40	36	41	23	15	15	7	1	1	0	51	44	42	39	39	23
Lower Mahonoy	162	135	115	109	113	95	56	36	22	5	0	0	166	147	153	106	130	82
Upper Mahonoy	206	163	107	98	135	70	59	33	13	11	1	0	160	131	121	90	131	73
WARREN.	1677	1321	1162	1095	1771	948	582	392	192	105	19	3	1573	1313	1215	1026	1499	897
Sugar Grove,	72	47	49	34	59	47	32	13	7	3	0	0	82	64	55	42	58	37
Conewango,	84	67	60	51	99	41	31	14	5	6	1	0	61	57	53	49	73	40
Limestone,	34	16	15	15	44	17	13	3	3	1	0	0	26	15	13	10	19	10
Rinzua and Elk,	37	24	20	14	64	24	10	5	1	1	1	0	41	19	16	25	31	14
Pine Grove,	75	52	29	22	74	54	20	6	5	5	0	0	79	47	29	32	59	28
Deerfield,	31	26	27	18	29	12	17	8	5	0	0	0	31	26	18	23	18	13
Brokenstraw,	80	59	55	34	73	47	28	13	3	1	0	0	94	54	48	46	49	39
Spring Creek,	19	26	7	4	26	13	9	6	2	1	1	0	23	12	17	11	16	14
Columbus,	7	36	33	26	66	36	17	11	6	0	0	0	61	40	29	18	52	26
	502	353	295	218	534	291	177	79	37	18	3	0	498	334	278	256	375	221



AND WARREN COUNTIES.—JUNE 1, 1830.

FREE COLORED PERSONS.											SLAVES.				TOTAL.	Incl'd in foreg'g.										
MALES.											FEMALES.					Males.	Fem.	TOTAL.	Aliens.	Blind.	De't & D Whites.					
40 to 50.	50 to 60.	60 to 70.	70 to 80.	80 to 90.	90 to 100.	Under 10.	10 to 24.	24 to 36.	36 to 55.	55 to 100.	Under 10.	10 to 24.	24 to 36.	36 to 55.		55 to 100.	10 to 24.				24 to 36.	Under 10.	10 to 24.	Un. 14.	14 to 25.	25, &c.
95	45	32	16	6	2	2	1	1	0	0	1	0	0	1	0	0	0	0	0	0	2369	19	3	0	0	0
61	27	13	12	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1523	30	1	0	1	0
51	29	15	5	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1455	8	1	0	0	0
36	28	13	9	1	0	0	1	0	1	0	0	1	1	0	0	0	0	0	0	0	1244	20	2	0	0	0
34	18	18	5	2	0	2	0	2	1	0	4	1	1	0	1	0	0	0	0	0	1163	20	3	0	0	0
39	18	6	4	1	1	4	3	1	1	0	4	0	0	1	1	0	0	0	0	0	1068	14	0	0	0	0
57	36	20	4	1	0	1	0	0	1	0	1	0	1	0	0	0	0	0	0	0	1703	17	1	0	0	0
17	18	4	2	0	0	3	2	0	1	0	2	6	0	1	0	0	0	1	0	1	656	13	0	0	0	0
32	21	15	1	0	0	2	5	0	1	2	2	0	1	0	1	0	0	0	0	0	941	11	1	0	0	0
39	16	14	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1117	1	3	0	1	0
55	41	23	9	0	1	5	2	1	1	0	4	3	1	2	0	0	0	0	0	0	1850	25	0	0	0	0
41	23	9	3	1	1	3	3	1	0	0	0	7	1	0	0	2	0	0	0	1	1297	5	0	2	0	0
11	14	10	4	0	0	6	4	1	5	1	14	6	3	5	2	0	0	1	0	0	741	12	2	0	0	0
34	17	2	3	3	0	2	1	0	0	0	1	1	1	0	0	0	0	0	0	0	1048	1	0	0	1	0
16	6	3	0	0	0	1	1	0	0	0	0	1	0	0	0	0	0	0	0	0	457	0	0	0	0	1
36	19	14	4	2	0	6	6	6	3	2	5	9	0	3	1	0	0	0	0	0	1099	75	0	0	0	5
654	376	211	86	22	5	37	29	13	15	5	38	35	10	13	6	2	1	1	2	19,731	271	17	2	3	6	
74	52	24	8	1	0	11	13	4	7	0	17	14	4	9	0	0	0	0	0	0	3691	387	0	0	1	0
38	29	13	7	1	1	3	4	1	2	0	3	0	2	1	0	0	0	0	0	0	1432	4	0	0	0	0
73	35	17	5	4	0	5	0	1	0	0	4	2	1	1	0	0	0	0	0	0	2068	0	0	1	1	0
47	34	11	8	2	0	5	1	3	0	2	3	2	2	1	0	0	0	0	0	0	1379	0	0	0	0	0
31	19	11	2	1	0	11	28	21	10	3	17	23	11	12	3	0	0	0	0	0	1479	75	0	0	0	0
59	41	24	5	1	1	0	8	9	7	3	7	9	3	3	2	0	0	0	0	0	2720	237	0	0	0	0
25	13	8	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	765	0	2	0	2	0
56	37	27	8	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2132	0	0	0	0	0
51	25	16	6	1	0	1	3	1	1	0	1	2	1	0	0	0	0	0	0	0	1757	0	0	0	0	0
32	26	15	11	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	827	0	0	0	1	2
51	30	35	5	0	0	2	3	1	2	1	2	1	1	1	0	0	0	0	0	0	1537	0	1	0	0	1
20	21	10	4	2	1	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	674	0	0	0	0	0
42	32	18	3	1	1	0	3	0	0	0	2	0	0	0	0	0	0	0	0	0	1134	0	2	0	0	1
599	384	219	73	22	4	40	54	41	29	9	44	55	25	18	5	0	0	0	0	0	21,595	703	5	1	5	4
123	68	53	18	6	0	4	3	3	0	1	1	0	0	1	0	0	0	0	0	0	3388	36	1	0	0	1
38	23	18	11	1	0	2	3	1	0	1	4	3	1	0	1	0	0	0	0	0	1281	6	1	0	0	0
41	34	16	6	1	0	1	1	0	0	0	0	1	0	0	0	0	0	0	0	0	1199	14	0	0	0	0
25	14	8	5	1	0	0	0	0	0	1	0	2	0	0	1	0	0	0	0	0	987	187	1	0	0	0
22	24	5	1	0	0	4	7	1	1	3	3	3	4	1	2	0	0	0	0	0	1095	41	0	0	0	0
36	24	17	3	4	0	2	1	0	0	0	1	2	0	0	0	0	0	0	0	0	1078	0	0	0	1	0
58	62	28	6	1	0	2	1	2	0	1	0	0	2	0	0	0	0	0	0	0	2131	0	2	0	0	2
37	25	21	4	0	0	1	6	2	1	0	2	3	1	2	1	0	0	0	0	0	1057	0	0	0	0	0
45	44	27	8	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1909	2	2	0	0	0
16	9	6	0	1	0	0	0	1	0	0	0	2	1	1	0	0	0	0	0	0	563	0	1	0	0	0
53	29	15	8	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1738	0	1	1	0	0
60	25	21	10	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1742	0	0	0	0	1
564	381	235	78	23	2	13	28	8	2	8	11	16	10	4	5	0	0	0	0	0	18,168	302	9	1	1	6
24	11	4	3	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	745	9	1	1	0	0
19	14	7	2	1	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	837	13	0	0	0	0
7	4	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	267	26	0	0	0	0
6	6	2	2	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	364	0	0	0	0	0
13	5	7	2	1	0	4	1	1	1	0	0	0	1	0	0	0	0	0	0	0	652	1	0	0	1	0
14	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	320	0	0	0	0	0
19	5	5	2	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	755	16	0	0	0	0
5	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	214	0	0	0	0	0
14	8	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	552	0	1	0	0	0
121	56	30	13	2	1	5	3	1	1	0	0	2	2	0	0	0	0	0	0	0	4,706	65	2	1	1	0



From "The Friend."

### THE ALARM OF 1706.

The subjoined extract of a letter from James Logan to William Penn, written soon after the transaction to which it refers, has relation to a subject, in which those who adequately cherish the memory of the colonial secretary will take some interest. As it has very recently been found among the archives of the family at Stenton, it has never before seen the light. The letter at length, is a history of various incidents in the conduct of Governor Evans, which contributed to render the administration of that functionary so deservedly unpopular; but the portion to which particular attention is due, and which I have selected for publication, is confined to a detailed narrative of a little event, well known in our provincial annals, by the appellation of *The Alarm*.

The governor foolishly gave currency to an erroneous report, that a foe in hostile array was hastening to the city. To give greater probability to this intelligence, he was seen parading through the streets on horseback, with drawn sword, and entreating, with the utmost solemnity and earnestness; all classes of people to arm for the common defence. The consequences were soon perceived. The shipping disappeared from the wharves; plate and other moveable property were thrown into wells, or otherwise removed from view; and their owners sought concealment and security, by scudding to the nearest covert. A fair had assembled the good people from the neighbouring parts. They who had come to enjoy a holiday in the spirit of peace, would naturally feel a little revulsion and dismay at the sudden announcement of war. Most fled in consternation, or as bravely concealed themselves until assured that it was, as it finally proved to be, a *hoax*. When the panic was past, and all fear of danger had subsided, a colonial bard could sing of it in the following strain, as if he wished to exempt *some* from the unmerited reproach, if not of cowardice, at least of credulity:

"Wise men wonder, good men grieve,

Knaves invent, and fools believe," &c.

It is not easy to determine, at this late day, the real motive of Evans, in exciting an alarm so prejudicial to the nerves of the people, and the reputation of colonial valor. Some have ascribed it to the mere wantonness of a mischievous, or vicious propensity; others see in it an experiment upon the pacific and non-resisting principles of Friends; while not a few, perhaps with more plausibility, attribute it to the suggestions of a mistaken policy. Certain it is, soon after the memorable tumult, he endeavored to persuade the assembly to enact a militia law, and judging from his character, it is highly probable he was weak and silly enough to suppose that the false terror arising from apprehended peril, would reconcile the people to its adoption. The French and Spaniards, with whom a war had been raging with considerable violence since the year 1701, had made destructive inroads into the northern provinces, and the inhabitants of the eastern and southern districts, were likewise menaced with an invasion. Under these circumstances, it is likely that Governor Evans should feel

solicitous to provide, by an organized force, for the protection of his province; but the logic he resorted to was not well adapted to the purposes of persuasion. The recreant assembly, instead of concurring in his bill, sent him a remonstrance denouncing the authors of the alarm, and requiring their surrender to the legal authority for punishment.

But the extract below is not intended to give a history of this amusing though shameful affair; it is to defend the memory of the excellent Logan from all imputed participation in it, especially from such an aspersion as the following: "The conduct of secretary Logan, on this occasion, as represented by the assembly, was extraordinary and indefensible. A Quaker of high and good moral character, learned and enlightened, he submitted to play a puerile and subordinate part in this shameful farce." [Gordon's History of Pennsylvania, p. 139.] It will be seen that Logan knew nothing of the artifice until afterwards, when it received his decided reprehension.

J. R. T.

"'Twas this, (the imprisonment of William Biles,) however that first caused people to look about them, but however this ended, the disgust at one time was high, and what followed in causing the alarm completed it, upon which he (Evans) seems to have been very intent in his thoughts, as appears now from the steps he took, and it is strange that he could not foresee the many ill consequences that needs must ensue upon it, but that was a length it seems he never extended his thoughts to: To bring it about he first framed a letter, as from Col. Seymour,\* *counterfeiting his hand to it*, and sent it to the Sheriff of New Castle, with orders to send it hither in great haste by an express, informing of a French fleet upon the coast, and the next day seconded this, with another report from Burlington, said to come from east Jersey to the same purpose. But before this, I should have informed thee, that being that day to dine two miles out of town at Captain Roche's on Schuylkill, he left word with Thomas Grey, that if any letter was brought to town directed to him from New Castle, they should be dispatched to him immediately, (which, when it appeared what the express was, gave me the first suspicion that it was a sham, and so I suspiciously told him—but he denied it positively,) this order was obeyed, and hurrying to town with the members who were there, he caused a council immediately to be called, and with all due formality caused the letter to be read, and the matter considered. The result of all was, that a proclamation should be forthwith issued, requiring all persons to furnish themselves with arms and ammunition; and for two nights the militia kept regular guard of about forty men each night. Which might have been well enough—the *counterfeit letter excepted*. The Sheriff of New Castle had orders, the night before the alarm here, to raise out theirs through the whole county, and then come in all haste to give it here; which the unhappy man, being a diligent and obedient officer, was obliged with reluctance to do. Another letter was also framed as sent from the Sheriff of Sussex to New Castle, informing that Lewis was burnt, all which being in pursuance of what was first corrected here, shows the thought long but not deep, unless purposely designed for the mischievous effects it is likely to have, which I yet cannot believe. Nor was there one person in the world made privy to a syllable of all this, besides those who were to act a part in it, as far as I can understand. He himself in the time of the alarm rode about the town with his sword drawn, forcing all that could be induced to arms to Society

\* Governor of Maryland.



hill. Powder was dealt out among the people to the loss of several apprentices, now so many scores of pounds in value. The people threw their goods into wells, and all manner of holes, greatly to their damage; women were taken ill—and the distress very great. Friends were generally the quickest, yet many of them fled, but were miserably insulted and menaced by those who bore arms. Our fair, which has become a general time for payments, was utterly discomposed, and many private damages will be long remembered. The militia, which gave us some reputation before, has never mustered since the 10th of January, and then but in part, and 'tis believed it will be utterly in vain to call them out, they are so disgusted with being so miserably imposed upon. In short, the whole is looked on to be a most mischievous boyish trick, and has given many a hearty well wisher to the government, occasion to remember William Biles's words with much more charity. But it is unaccountable that he should thus venture hardily of himself, without consulting or communicating it to any person in the least fit to advise him. This instance of the alarm, and the business of William Biles, are specimens of his private way of management, and the latter is evidently convincing, how much he can be proof against all council and persuasion."

From the Crawford Messenger.

#### OBITUARY OF HON. JOSEPH HACKNEY.

The Hon. JOSEPH HACKNEY, departed this life at Warren, Pa. on the 20th of May, at the age of sixty-nine years.

"An honest man's the noblest work of God."

The writer of this notice regrets that imperious circumstances, utterly beyond his control, preclude him the possibility of giving such a biographical sketch, as is due to the memory of the Hon. Judge Hackney, who was distinguished for staunch integrity, uprightness and generosity in his intercourse with the world, modest, inobtrusive and amiable character, exemplary moral deportment, from early life, and a decided, firm, cheerful, and soul comforting reliance, through the special operations of the Holy Ghost, for at least the last year of his pilgrimage, on the perfect righteousness and glorious atonement of the blessed Redeemer.

A development of the murderous outrage upon the happiness of his paternal roof from the reckless hands of a savage foe would harrow up the feelings of sensibility; but there is no time with the writer to enter into a detail of such interest. He simply states that the subject of this article was a soldier under Col. Josiah Harmer, who had the command of the first regiment under the United States' peace establishment. He was with that brave, but afterwards unfortunate officer, at the building of Fort Harmer, at the mouth of the Muskingum, in 1785.

In 1789, he went with Major, afterwards General Doughty, of New Jersey, and Lieutenant Suydam, up the Tennessee river, to conciliate the Indians in that region by a liberal distribution of presents from the Government of the United States. Troubles, however, were allotted him by an all-wise Providence. The party, consisting of fifteen, landed at the encampment of the first Indian village. The tawny natives seemed to manifest great friendship, but the discerning Major Doughty discerned something which foreboded treachery. He put his men on their guard—and having bestowed the presents designed, the Indians all gave them their hands in token of their pretended amicable feelings, but Doughty and his men had scarcely wheeled their boat in order to proceed to another village, when the savages all, seemingly with one accord, levelled their muskets and killed eleven at the first fire. Mr. Hackney escaped with his life, as did the two officers and one more; but one of his arms was broken by a

ball, and hung useless to his side. With the other he managed the boat. The enemy pursued, to the amount of sixty, yet by the well directed fire of the three uninjured warriors, using the loaded guns of their fallen brethren, they killed many of their pursuers, beat off the residuc—and defeated them!

Mr. Hackney then repaired to a Spanish fort on the Mississippi, where with surgical aid and the blessing of Heaven, his limb was fully restored.

He was afterwards with Harmer on his campaign in 1790. During this memorable period, he was sent out under Major Willis and Lieut. Ebenezer Frothingham, on what may with propriety be called a *forlorn hope*, as one of a battalion entrusted with a duty, to which they were imperiously called, as the savages were like the leaves of autumn for number—this was in the region of the Sandusky. The Indians killed every member of the battalion, except eleven, of which Mr. Hackney was one—a remarkable preservation—and pointing as with a sun beam to the protecting care of an over-ruling Providence!

In 1793, the subject of these notices settled in Meadville, diligent in his lawful pursuits, happy in his domestic relations, and beloved by all his acquaintance. He was elected colonel of the first regiment in Crawford county, and without disparagement to his worthy successors, none have ever shown themselves more worthy of military office.

He removed to the banks of the Konnewonggo, in the year 1817, and gained by his urbanity, hospitality and correct conduct, the esteem and applause of his fellow citizens, and their suffrages for various offices of honor and trust. He was appointed an associate judge, on the organization of Warren county, for judicial purposes, and discharged the duties of the office with dignity, establishing his character as an upright and useful judge, till the close of his life.

T. A.

#### CHAMBERSBURG.

Correspondence of the New York Advocate.

CHAMBERSBURG, Penn. June 6.

Dear Sir—This town is situate on the eastern branch of the Conococheague, twenty miles north of Hagerstown, and contains about three thousand five hundred inhabitants. It is the shire town of Franklin county, and has a Court House, Jail, a Bank, and as good credit as any in the state, and seven places of public worship, viz:—2 Presbyterian, 1 German Lutheran, 1 Reformed, 1 Roman Catholic, 1 Methodist, and 1 United Brethren. It is one of the prettiest towns in the state. The river bisects it on the western side, over which are neat stone bridges, answering to several of the streets that cross it, and on its banks are mills for manufacturing. Among those in the town, that of Dunlop and Madeira, for manufacturing edge tools, deserves special notice and commendation. It was commenced a few years ago on a small scale by one of the partners, and has by judicious management, arrived at a state of excellence unsurpassed in the country. They make broad, felling and shipwright's axes, cooper's adzes, hatchets, drawing knives, chisels, &c. and give employment constantly to fifty-three hands, all able bodied men, nearly the whole of whom are men with families. There are, therefore, between three and four hundred people maintained by this one establishment. Besides giving direct support to so many, they necessarily use up large quantities of iron, steel, coals, paper, twine, boxes and casks for packing, &c. The leading articles manufactured by them are axes, hatchets, and drawing knives—of these they make annually, 18,000 axes, 600 dozen of knives, and 3,000 dozen of hatchets.

It is worthy of a particular notice, that they have one man in their employment who makes, with ease to himself, 45 hatchets within the usual working hours, which is equal to the labor of three common hands.



G. A. Shyroek & Co. manufacture straw paper. They are now erecting in the town, on the east side of the Conococheague, a mill, for the purpose of extending their business, 150 feet long by 50 wide, and five stories high. Their present establishment is  $2\frac{1}{2}$  miles below, on the river. When the new works get in complete operation, which will soon be the case, they estimate their daily production above 12,000 lbs. or  $5\frac{1}{2}$  tons a day.

Half a mile below the town, Noel and Snider have a small woollen factory, of one hundred and thirty spindles, three looms, and several carding machines and pickers.

George Faber has a small card factory. He is the inventor of several useful machines and improvements. In the manufacture of machine cards, he has successfully adapted sheet lead to thin leather, such for instance as sheep skin. Indeed, any thin or common leather answers the purpose when backed by sheet lead. He has a patent for a machine for shelling and cleaning clover seed, a useful and valuable discovery.

W. and S. Siebert have a foundry, where all kinds of castings are done, and where many hands are steadily employed.

Tuttle and Schneider manufacture tin ware and sheet iron stoves. They work up nearly 100 boxes of tin and about 10,000 lbs. of sheet iron. They have already made and disposed of near 200 stoves this year. They employ 10 hands constantly.

There are many other establishments of interest and usefulness, giving employment to a great many hands—among them are, merchant or flour mills, another woollen factory, 4 tanneries and 2 breweries.

The first white settler in Franklin county, and the founder of Chambersburg, was Col. Joseph Chambers—he died in 1788, at the age of 80.

#### GIRARD BANK.

##### MESSAGE OF THE GOVERNOR.

GENTLEMEN—Memorials signed by a number of the citizens of the city and county of Philadelphia, complaining of the manner in which the proceedings of the commissioners, appointed to open books for the stock of the Girard Bank, were conducted, and requesting the executive to enforce the authority with which he is by law invested, of refusing the letters patent, were received on the second instant, accompanied by the depositions of individuals in support of the allegations contained in the memorials.

The first section of the "act to incorporate the Girard Bank in the city of Philadelphia," contains a proviso, "that neither of the commissioners nor any subscriber to the stock, either in his own name, or as agent of another, or through the agency of any one, shall be allowed to take more than five shares the first day, ten shares the second day, and fifty shares the third; but if all the capital stock shall not be subscribed for on or before the third day, then a subscription for any number of shares remaining unsubscribed for, shall be allowed; and in case of a violation of the foregoing provision, and complaint made thereof to the Governor of the Commonwealth, the Governor shall forthwith inquire into the truth of said complaint, and if he find the same duly supported, it shall be his duty to withhold the charter of incorporation," &c.

The authority vested in the Governor by the act is, according to my construction of it, limited exclusively to the act of subscription for the stock, and unless it shall appear that the commissioners, or others subscribing for the stock, did each for himself, or as agent for others, subscribe for more than five shares on the first day, ten shares on the second day, and fifty shares on the third day, the power of the executive to interfere by withholding the charter, is at an end. The depositions accompanying the memorials contain no allegations, nor do they disclose a single fact from which it can be inferred that the commissioners or either of them,

or any individual, exceeded the number of shares, on either of the days, for which by law they were entitled to subscribe—THERE HAS THEREFORE BEEN NO CASE MADE OUT UNDER THE ACT FOR EXECUTIVE INTERFERENCE.

But the depositions do contain allegations, which, if true, would seem to present a case proper for legislative inquiry; and being desirous that those who feel themselves aggrieved should have an opportunity afforded them to have the subject of their complaints investigated by the only authority possessing the power to do justice to all parties, I have considered it my duty to transmit to the General Assembly the documents exhibiting the causes of complaint in order that, if injustice has been done to individuals or to the public, the proper remedy may be applied. In the mean time, the granting of the letters patent will abide the determination of the legislature.

Harrisburg, June 6, 1832.

[GEO. WOLF.

HOUSE OF REPRESENTATIVES, Friday, June 8.

The committee to whom was referred the message of the Governor, relative to the Girard Bank, reported:

That, after a careful examination of the documents transmitted by the Governor with his message, the committee are of opinion, that the legislature would not be justified in interfering to prevent the charter of the bank. The depositions are *ex-parte* merely, but if their contents be taken to be fully proved, in the opinion of your committee, there would be no case made out for legislative interposition. The law, as the Governor correctly states, contemplated one contingency upon which he would be authorized to withhold the letters patent. He has decided that the testimony did not prove a case, for his interference. He is *quoad hoc* the judge, and his decision is conclusive upon all the parties upon the subject. The law providing for the subscriptions to the Girard Bank, does not expressly state any other contingency than that mentioned by the Governor, in which the letters patent may be withheld. The committee do not know any general principal of law, that authorizes the legislature to defeat any of their own grants, on account of the misconduct of agents appointed by themselves, and thus violate the rights of individuals *bona fide* acquired.

By the law providing for the chartering of this bank, the subscribers are required to pay five dollars on each share subscribed. Any individual who may have subscribed to the Girard Bank, and paid the first instalment, has a vested right in the stock. It is a contract substantially complete. It would be therefore, unconstitutional, as well as unjust, for the legislature to impair its obligation. If there should have been fraud in all parties, the proper remedy would be judicial investigation. The committee would therefore recommend the adoption of the following resolution.

Resolved, That the committee be discharged from the further consideration of the subject.

TRADE OF THE SCHUYLKILL.—We are informed that on Monday, the 4th instant, 117 vessels passed through Gray's Ferry Bridge, 40 of which were brigs and large schooners, and a few days before 104 passed through, exclusive of boats that passed under the bridge. We are also informed, that formerly only 3 or 4 passed through in a week.

A day or two since, a gentleman counted sixty *masted* vessels within sight, and between South street wharf and the Market street Permanent Bridge—*Poul. Adv.*

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## SKETCHES OF BUTLER COUNTY.

Butler county was first settled, mostly by inhabitants from the counties west of the mountains. Westmoreland and Allegheny contributed the greatest portion; Washington and Fayette a part; and some came from east of the mountains. A few emigrated from other states. Pennsylvanians, of Irish and German extraction—native Irish, some Scotch, and some few Germans, were amongst her first settlers. The first settlement commenced in 1792; immediately subsequent to the act of the 3d of April, of that year, which provided for the settlement of all that part of western Pennsylvania, lying north and west of the Ohio and Allegheny rivers, and Conewango creek. No considerable settlement was made until '96, and up to 1800-3; at which time the county of Butler was formed, and the county town laid out. This era gave a new stimulus to the settlement and improvement of the country.

The first settlers had many difficulties and privations to surmount, before they could comfortably sit down under their own vine and fig tree. The want of provisions, and limited means they had to purchase them, was the lot of almost every one who first emigrated. The greatest hardships and privations, are often submitted to patiently, so long as the pleasing prospect of liberty and independence is held in view. The act of the 3d of April, '92, opened a wide field for fraud and speculation. Whilst it seemed to promise a home to the honest, and industrious, and adventurous pioneer, it at the same time afforded the most ample source of imposition, to those who have generally been denominated land jobbers.

To the several conditions introduced into this law, may justly be attributed all the afflicting scenes of litigation to which the first settlers were made subject. Some were obliged to abandon the country of their own choice, and seek a home elsewhere, or remain, to undergo new scenes of penury and want.

Those who remained, either compromised, or had their rights determined by a due course of law.

The most prominent speculators were of two descriptions; the one by survey and warrant; the other by new survey and article with the settler. One of the conditions of these warrants, under the act of '92, was, that of settlement within two years from the date of the warrant, unless prevented by the enemies of the United States. This clause unquestionably gave rise to much contention. The construction given to it by the supreme court not having taken place, in due time, to arrest the progress of litigation in its commencement. Such as articulated with the warrantee, were to receive for settlement, a gratuity from 100, 150, to 200 acres, as soon as they would complete such settlement—being five years. Many difficulties arising out of those contracts, which produced much misunderstanding between the parties; and various decisions being had on them, that operated much to protract litigation, and the injury of those who may truly be called the bone and sinew of the country. The other description of land jobber should not be overlooked; whether he is entitled to a niche in the temple of fame or infamy, is with an honest public to judge. In mercy we ought to pass over them

with a sparing hand, for few there are, if any, remaining to receive rebuke. They have all been consigned to the silent tomb. Those who had only surveys made and returned without any warrants. In pursuance of those wrongs, they entered into articles of agreement with settlers, to perform one of the most laborious and essential parts of the law, the settlement—for which they were to receive as a gratuity, as they modestly called it, some 100, 150 and 200 acres, as they could agree, in five years from the commencement of such settlement. The contract on the part of this description of land jobbers, in almost every instance has been violated and forfeited. The settlers in some instances bought out; others have taken out patents themselves, and this description of land may now be considered as out of dispute. The surest kind of land titles, north and west of the Ohio and Allegheny rivers, and Connewango creek, are the donations which were laid out in 1785, in lots of 200, 250, 300 and 500 acres, as a gratuity to soldiers, who had been in the service of their country in the most perilous times. Part of district No. 1, is in Muddy creek township, Butler county; and district No. 2, is in Parker, Mercer and Slipperyrock townships. Those lands are generally good; particularly, such tracts as are situated on the waters of Muddy creek and Slipperyrock.

The titles are indisputable. The original owners of the donations were generally of that description of citizens who were least calculated, and desirous, to improve or advance the settlement of the country; having tasted the honors of war, and contracted habits and feelings adverse to the quiet and peaceful situation of a farmer, they generally sold them, and they are now generally occupied and improved.

Detman Bahn Muller, a native of Germany, made a considerable purchase in Nicholson's district of depreciation land in Butler county, and Alexander's district, part of which is situated in Beaver county. His improvements were mostly in Butler county. In 1803, he sold considerable part of this land, in Butler county, to George Rapp and associates, who laid out the village of Harmony, and made other extensive improvements, in which they displayed much skill and taste. Industry and economy were their peculiar characteristics. They soon made the wilderness blossom as the rose. In a few years they got rich. Their town was built up with cabins of round logs, covered with straw, for a season or two, until they put up better buildings; generally built of brick, and some frame, for store, tavern, and dwelling houses for the principals. A society constituted as this one was; settling in a new country, which, but a few years before was the common haunt of the beasts of prey, it is natural to suppose that it excited much curiosity and speculation. Their customs and manners differing so much from those who had previously settled in the country, their indefatigable industry in agriculture, in manufactures, and almost in every kind of mechanism, attracted the attention of many visitors from the most distant parts of the United States. But the greatest peculiarity of those people, was the prohibition of marriage in the society; and even intercourse between man and wife was forbidden. In 1814, the society sold out, for \$100,000. The quantity of land from 6 to 8,000 acres, of which they had cleared probably



the one-half. They planted a vineyard, as much for ornament as any real advantage they could expect to derive from it.

The country has not sustained any loss by the change of owners. The present proprietor, A. Zeigler, from the eastern part of Pennsylvania is a man of great enterprise, of indefatigable industry, and a practical farmer. It was but a short time after Mr. Zeigler purchased, until he sold out a number of lots in the town of Harmony, and also a number of farms, generally, to Pennsylvania Germans, who were equal in industry and skill in farming with their predecessors; and much better citizens, inasmuch, as they enjoy the right of judging and acting for themselves, in all matters both of a religious and political nature. The present condition of all those farms is, a state of the best improvement and cultivation. The raising of wool has been a business with them of considerable extent, and meets with much encouragement. The climate, situation, and soil of Butler county were ascertained, from experience, to be well adapted to the raising of sheep. The land generally, in the neighborhood of Harmony and Zelianople is very good, and in that township generally. This part of the county seems to have been more highly favored with settlers than most of the counties. A number of Scotch families settled in 1796-7, who came from the island of Lewis, in the northern part of Scotland. They settled between Butler and Harmony, Connequenessing township, midway between those places. The old stock have mostly been consigned to the grave. Their descendants are numerous, and are now enjoying the fruits of their labor in peace and plenty. A house of public worship has been erected of brick, called the "White oak spring meeting house," on the Butler and Harmony road, where a large congregation attend worship. They are of the Associate Presbyterian Reformed, or Unionists.

The provisions for the support of religion in Butler county, would not be considered by the people in the eastern parts of Pennsylvania, where large salaries are given, very good. The population somewhat scattered; most of ministers of the gospel have the care of two or three congregations—from each of which they receive an annual compensation by subscription, in all not amounting to more than 500 dollars—the highest, from that down to 300 dollars. Many of the clergy reside in the country, on farms, from which they receive part of their support. From the cheapness of all kinds of provisions in Butler county—large salaries are not so necessary as in other parts of the state, where rents and all kinds of produce are much higher. Business, generally, in Butler county, is not yet reduced to that kind of system, that the pursuit of any one particular branch is sufficiently lucrative, without connecting others with it. Such is generally the case in all new countries.

Education is not supported with the liberality which the importance of the subject merits. The price of tuition for each scholar per year, is from 5 to 6 dollars. At this sum schoolmasters are not scarce; but not of the best kind. In the country, farmers generally, in every neighborhood, have erected a school house, where they employ a teacher during the winter; during the summer there are few schools—excepting in the towns, where they have them during summer and winter. The English language, writing and arithmetic, are generally taught.

The means of education are quite limited.

The Presbyterian may be considered the prevailing religion. The Presbyterians, Associate Presbyterians, Reformed church, or Unionists, Seceders and Covenanters. The Methodists are becoming very numerous; within a few years they have increased very rapidly. Some Baptists, and a considerable number of Roman Catholics, who are principally settled in Buffalo, Clearfield and Donegal townships.

Iron ore is found in abundance in several townships, Parker, Venango, Slipperyrock and Connequenessing.

A few feet under ground, extensive beds of bog ore are not uncommon. Bituminous stone coal abounds in every part of the county, in strata, from two feet to five feet; generally found convenient to streams, by digging in the hills. It is always found to lie horizontal, covered over with slate. Anthracite coal has never been discovered in Butler county, and I believe not west of the mountains. The benefits to all classes of citizens, the poor, the rich and the manufacturers, are incalculable from this source. Coal is delivered to the citizens of Butler, at 4 cents per bushel the year round.

Salt water has been obtained in every instance by boring from 300 to 500 feet. There are several works in active operation. One at Harmony, and near it, and also, one near Butler; ready to commence the manufacture of salt.

Limestone is found in Slipperyrock, and Mercer townships, on the surface of the ground in very large rocks, generally thought to be of a very good quality. It is also found in Connequenessing township, Buffalo, and partially in other parts of the county—but generally under ground. Large sand rock is abundant, which is well adapted to building; being easily split in square lengths from ten to fifteen feet. They are light colored, and very handsome for building, and for which they are very much used.

Although Butler county is well adapted to the raising of wool, and possesses great advantages in water power, or the most essential article for steam power, that of coal, there are no woollen nor cotton manufactories.

On Slipperyrock, where the turnpike from Butler to Mercer crosses that creek, fourteen miles from the former place, there are erected a furnace and forge for the manufacture of iron and castings. The castings which they make are very good, and the iron as good as any made west of the mountains. There are two other furnaces,—Bassenhiem furnace, immediately west of the county line, part of the land from which they receive their wood and ore, is situated in Butler county. The other furnace is situated east of Butler county, within a few rods of the line, and in the neighborhood of Lawrenceburg on the Allegheny river; nearly all the lands attached to this furnace from which they receive their wood and ore, lies in Butler county. Bassenhiem furnace is propelled by water power. The other, Bear creek furnace, as it is called, being situated on that creek, is propelled by steam power. The quantity of castings made at each of these furnaces, or rather pig metal, might safely be estimated at two or three ton per day, when in good order.

Pittsburg is the market for the disposal of all their metal.

Wheat, rye, corn, buckwheat and oats, are raised in Butler county. The soil and climate appear to be well adapted to wheat, rye and oats, and corn is raised in considerable quantities. The average weight of wheat about 60 lbs. to the bushel. Butter, beeswax, wool, beef and pork, and miner articles, common to other parts of the state, compose her exports. All kinds of grass seem to do very well; timothy, however, is most commonly raised; clover has been tried with flattering success, but to no great extent. All the surplus produce goes to Pittsburg, where there is generally an excellent market: of the amount of which no adequate idea could be formed, as it is taken in various ways, by wagons and on horses. Considerable flour is manufactured, and sometimes taken in barrels to market, but most usually in bags. There are but two turnpikes which passes through Butler county. One from Kittanning, the other from Pittsburg, through the county town to Mercer, and Meadville to Erie. This one may be considered the great thoroughfare from Pittsburg to the great lakes. Stages arrive and depart daily at Butler. Another turnpike is about making from Roseburg, Armstrong county, to Mercer, through Murrinsville and Harrisville, Butler county. The county of But-



ler has generally bridged such streams as were considered dangerous, where great leading roads cross. In this respect she has been very liberal.

In the town of Butler, there are two weekly newspapers printed. The Western Sentinel and Democratic Press, and the Butler Repository. The former is opposed to the United States and state administrations, the latter in favor. The former anti-masonic, the latter opposed.

Butler has a Court-house two stories high, built of brick, rather handsome and capacious; with offices attached, built of brick. The Court-house and offices are situated in the centre of the town, on the public square, on elevated ground, commanding a handsome view of the surrounding country, which is somewhat diversified with meadow lands and hills. The Connequenessing here running partly round the town, forming a horse shoe, adds much to the beauty, and even convenience of the place, with respect to water and meadow lands.

The Jail has two stories, built of stone, (sand stone,) with a wall around the back part of it, as is usual in the western country. The Academy, built in 1810, is of stone, two stories. The English and Latin languages are taught in it.

Churches in Butler are as follows:—Presbyterian one; Associate Reformed or Unionists one; Methodist one; Roman Catholic one; and are now about building a splendid Episcopal church, and another Presbyterian church. The churches now built, are of brick, excepting the present Presbyterian, which is of stone. Those others are to be built of brick.

Churches in the townships as near as can be recollected.

Centre township, one Presbyterian.

Slipperyrock, one do.

Mercer, two do. and one Seceder.

Parker, one do.

Venango one do.

Middlesex, one Presbyterian, one Covenant, and one Seceder. Connequenessing seven. At Cranberry, one Presbyterian church.

Muddycreek, one Presbyterian, and one Union or Associate Reformed.

Grist, saw, and other mills are as follows:

Townships.	Grist.	Saw.	Fulling.	Oil.	Powder.
Middlesex,	3	3	0	0	0
Cranbury,	2	2	0	0	0
Connequenessing,	7	7	1	1	0
Muddycreek,	1	2	0	0	0
Slipperyrock,	5	5	2	0	0
Mercer,	4	4	2	1	0
Venango,	3	2	1	0	0
Parker,	3	2	0	0	0
Donegal,	1	2	0	0	0
Clearfield,	3	2	0	0	1
Buffaloe,	3	3	0	0	0
Butler,	3	8	1	1	2
Centre,	2	6	0	0	0
	40	48	7	3	3

Land, unimproved, sells at various prices, from two dollars per acre, to four dollars.

Improved land, from 3 dollars to 10 dollars per acre.

70 dwelling-houses in Butler.

35 to 40 " in Harmony, } Connequenessing  
35 to 40 " in Zelianople } township.  
8 to 10 " in Portersville, Muddycreek.  
6 to 8 " in Prospect, do.

Centreville, Slipperyrock township, from 40 to 50 buildings. It is only a few years, since this town was laid out, and as if by enchantment, it has sprung up, into a handsome village, being situated 14 miles from Butler, on the Butler and Mercer turnpike road. A number of the buildings are brick.

Harrisville, is situated on the old Pittsburg and

Franklin road, on an extensive prairie in Mercer township, 20 miles from Butler, and same distance from Franklin; 8 or 10 houses, built of wood, excepting one brick building. The turnpike from Roseburg to Mercer, passes through this place. It is but a few years since this place was laid out.

Murrinsville, situated on the Butler and Franklin state road, where the Roseburg and Mercer turnpike cross the same, distant 18 miles from Butler. It was laid out a few years ago, has but a few buildings; tavern, store, &c.

Unionville, in Centre township, lately laid out on the turnpike from Butler to Mercer, five miles from the former; 8 or 10 log buildings—in it; two taverns, &c.

Sunbury, laid out lately in Centre township, has only a few buildings of wood. It is situated on the state road, from Butler to Franklin, 10 miles from the former place.

Evansburgh, laid out last fall, in October, situated in Cranberry township, on the old Franklin road, twenty-three miles of Pittsburg, 4 miles east of Harmony, and 12 miles west of Butler—have only commenced building. Break-neck river, runs immediately south of it.

Hannahstown, in Buffaloe township, on the Freeport road, from Butler 8 miles; and was laid out two years ago; has a few houses in it.

Stores and taverns in each town, as near as can be recollected.

	Stores.	Taverns.
Butler,	7	7
Harmony,	3	2
Zelianople,	2	2
Portersville,	1	1
Prospect,	1	2
Centreville,	5	4
Unionville,	0	2
Harrisville,	2	2
Fairview,	1	2
Murrinsville,	1	1
Hannahsburg,	1	1

#### Country Stores in the Townships.

Connequenessing township,	4
Cranbury,	1
Middlesex,	3
Donegal,	1
Parker,	1
Venango,	0
Slipperyrock,	1

Agriculture, is improving within a few years, since the titles of land have been firmly settled; however, much room is yet left to improve. The farmers generally, are too much disposed to farm too much ground. They have not yet turned their attention to till the ground with so much neatness, and to sow in due season, as the farmers of an old county. Considerable surplus produce is raised and taken to market. They have not yet turned their attention to improve the breed of cattle.

The tide of emigration has commenced to flow in upon Butler county; which in a few years will take up all the vacant lands for settlement; many sales were made during the year 1831, to Germans lately from Germany. They have made considerable purchases in Buffaloe and Connequenessing townships. They seem to prefer land not very heavily timbered. Such as is generally denominated "glade," having been injured by fire, previous to, and since the settlement of the country: It is a remarkable fact, that this kind of land is amongst the most productive, although to the eye, before it is cultivated, it has rather a sterile appearance, or barren waste, for the want of large timber. Experiments generally, test the truth of facts. Last year, in 1831, there were raised on this description of land in Buffaloe township, by the Messrs. Walkers, 3200 bushels of po-



tatoes, on five acres of ground. In other parts of the county, where it is well timbered, land does not produce any better. The glade land is covered over with thick under-brush, such as pin-oak, and white-oak, growing out from large stools, or stumps; hickory also, and willow. Those stools in many instances are found to be 3 or 4 feet over in diameter, which proves most incontrovertibly, that at one time not many years back, all this kind of land was thickly and heavily timbered.

Shortly after the first settlement of Butler county, and all those counties north and west of the Ohio and Allegheny rivers, and Conewango creek, the seasons seemed to be more changeable and frosty, than they have been for ten or fifteen years back. This, together with the uncertainty of land, operated prejudicially to the settlement and further improvement of the country, and at the same time, an advantage to the state of Ohio, to which the most fickle, and those most easily discouraged, removed. If such a population could be considered an acquisition to any country, Ohio has some of this kind. The most steady and determined ones remained. Of this kind of population does it now, together with many who have removed to it since 1800-3, consist. It was not surprising then, that so many concurrent circumstances, as inhospitable climate, seasons unfriendly to vegetation, and devastations made by fire; the want of provisions, and above all, the uncertainty, and undetermined situation of the land titles, between settler and land-jobber, should operate to the character of the country in the most prejudicial manner. There is a trait common to human nature, to be found every where, and in every situation. Prosperity in a country endears us to it; the reverse, alienates the affections from it.

The country in which we seem to prosper most, where liberty and independence are the least in jeopardy, gives to it qualities in our estimation, which in a different state of things would be the reverse.

The tedious scenes of litigation, certainly had their effects in producing the misrepresentations of the character of the country; the quality of the land; the resources and every thing else, which were resorted to for the purpose of checking the improvement, the prosperity, and happiness of the people. All these objections, to Butler county, are now removed. The disputes in land titles, have been almost without exception, settled either amicably, or by a due course of law. The titles to all lands are as good as in any part of the state of Pennsylvania.

And it now seems to be conceded by the traveller, also by the inhabitants of the counties adjoining, that Butler county, is well situated for agriculture, for manufactures, either by steam power, or water. From her contiguity to a market, which is probably equal to any in the state, (Pittsburg,) with her other advantages, she must become one of the most wealthy counties on the north-west side of the Ohio and Allegheny rivers. Her lands generally, are well situated for farming, having a suitable proportion of meadow and arable land, so that every farm may have enough of natural meadow land, which produces the best of timothy, when cleared and cultivated. The upland lies sufficiently high and rolling for all kinds of grain, and when properly farmed in due season, produces sound grain, and in sufficient quantities. But there is one important advantage, with which the county of Butler is much blessed, and that is, an abundant supply of the best of water, as clear as the pearly dew; its purity bespeaks its wholesomeness, and the general health of the country. No case of fever and ague has ever been known to occur in the county.

The borough of Butler, is situated on an eminence above the level of the Connequenessing creek. The creek runs partly round the town, forming the figure of a horse shoe. On the north, and north-west, the ground gradually descends from the public square, expanding into handsome, and, in soil, first rate meadow land.

The creek on the east, south, south-west, and west, washes the face of the hill on which the town is erected. Streets and lots are laid out due north and south, east, and west. The situation is generally admired by travellers.

Butler township, the face of which is rolling, between the principal streams, through big and little Connequenessing; near the streams hilly and somewhat rocky. Soil of the bottom lands, loam and sand, on the rolling land, loam, gravel, and clay.

White-oak, black-oak, and pin-oak, are the prevailing timber; some maple, cherry, and hickory.

Buffaloe township, the face of which is similar to that of Butler, not so well timbered, in consequence of fire. Some glade land which is considered good.

Centre township partakes of that of Butler; generally well timbered, with white-oak, black-oak, and pin-oak.

Clearfield township, is similar to Buffaloe, in soil and face of the country, and has also been much injured by that devastating element fire; what was but a few years ago grown over with brush, is now becoming well timbered. It is not an uncommon observation with those who first settled the country, that when they first came to the country, they could see a deer, two hundred rods, where now the timber has grown so tall, and stands so thick, they could not see one the fourth of that distance. They then looked over it, so small was it.

Connequenessing township, somewhat hilly; the land however, of an excellent quality, loam, sandy, clay, and gravel; extensive bottoms on the big Connequenessing, the soil of which loam, and sand, easily tilled, producing the best of corn and wheat. A number of streams of considerable size, uniting with the main creek Connequenessing, making a considerable quantum of the land hilly, but not too much so for cultivation, and is now mostly in a high state of cultivation. The streams which run into Connequenessing, in this township, from the south, first Glade run, and Break-neck, on the north, little Connequenessing, Big and Little Yellow creek. The improvements made on those different streams, are extensive and substantial; abounds with timber, oaks of all kinds, and chesnut on the bottoms, cherry, maple, some walnut, and linn.

Connequenessing township, 7 miles square.

The valuation of taxable property, \$191,755—number of taxables, 432—whole population, 1891—of which number, 953 are males, and 938 females.

Germans,	115	}	964
Descendants of do.	849		
Irish,	53	}	507
Descendants of Irish,	454		
Scotch,	25	}	165
Descendants of Scotch,	140		
English,	23	}	152
Descendants of do,	129		
Descendants of Low Dutch,			19
Descendants of Swedes,			8
Welsh,			7
Unknown,			49
643 professors of religion, consisting of			Evangelical
Lutherans,			197
Minnomites,			99
Presbyterians,			91
Associate Reformed,			90
German Reformed,			77
Covenanters,			25
Seceders,			18
Methodists,			18
Baptists,			10
Catholics,			10
Quakers,			7

Such as are 16 years old, and have not made any profession of religion, 300  
 Numbers of families destitute of Bibles, 31  
 Persons of 15 years old and upwards, who cannot read, 50



Number of gallons whiskey consumed last year,	3044
Distilled,	7850
Number of coal-banks, about	50
Schools during winter,	9
Churches and meeting houses,	7

Cranberry township, partakes of the quality of Butler township, considerable glade. This township takes its name from an extensive plane, where cranberries are found growing. The soil—loam, clay, and gravel.

Donegal, Parker, and Venango townships, present a similarity of face, somewhat diversified with hills and dales. In those townships are the highest lands in the county, which separates the waters of Bear creek, Scrubgrass, and Buffalo, which flow into the Allegheny, from those which discharge into the Beaver and Ohio. Those townships are tolerably well timbered, some barren land and glade. The soil rather diversified—loam, clay, gravel, and some limestone.

In the neighborhood of those streams, considerably hilly, stone is found of an excellent quality for building. This section of Butler county, at no distant day, will be distinguished for Iron works, as it abounds with all the materials, of ore and stone-coal of an excellent quality superior to that which is mostly found in other parts of the county.

Mercer township, the north-eastern part of which resembles that of Venango, in face, soil, and timber. The middle and western part, rolling, the soil, loamy, clay and, limestone.

Slipperyrock township, the eastern part of which, is similar to Parker and Venango, somewhat diversified in soil and face of the country, that which lies on, and near the Slipperyrock creek, north and south branches, and particularly between those branches for a few miles above their junction, is of an excellent quality; loam, clay, and limestone. The middle, and western end of the township, rolling; soil, loam, clay, and limestone, which is to be found on the face of the ground, and by digging a few feet. The western part of this township affords many of the best scites for water-power, and those natural advantages are not neglected, Slipperyrock, being one of the most durable streams in the west, several grist-mills are built on it, which in dry seasons, when most of the mills on other streams cannot do any thing, those mills grind for nearly all the county. The land is well timbered generally, of all kinds of oaks, sugar-tree, and chesnut. On the bottom land, elm, linn, alder, sugar, maple, hickory, &c.

Muddycreek, a stream of this name passes through this township, from which it takes its name. On the creek there are extensive meadow lands, of the richest quality. This township will in time be celebrated for its extensive meadows, and for the raising of all kinds of stock. The hills are tolerably good, and producing the best of grain; the soil loam, clay, and gravel. The dividing ridge between the waters of Muddy creek, and Yellow creek, extends through this township from south-east, to north-west; immediately on either side, rather hilly. Considerable table, or rolling land, on the eastern part of the township. It is generally well timbered, &c. with all kinds of oak, some sugar-tree, and maple, chesnut, and some poplar; alder in the bottoms.

N. B. It is generally believed, that there is a lead mine in Connequessing township, on some of the lands near the Connequessing creek above Harmony, about three miles, supposed to be on some of the lands owned by Benjamin Chew, Esq. of Philadelphia. It is said that the Indians knew of it, and got lead from it, the remains of small furnaces are yet to be seen near the creek where it is supposed they extracted it from the ore. Some of the Indians belonging to Corn-planter's tribe, it is represented, who know the fact, that it was they who discovered it and used it. Those Indians in passing and repassing through that neighborhood, speak of it, but will not point it out, without receiving a liberal com-

pensation. The owners of those lands not residing on them, some of the present inhabitants feel such interest as would justify giving such reward, as they might ask. However, be the facts as they may, the circumstances are strong enough to excite inquiry, and examination, to ascertain the truth of this Indian story, whether it be false or true. The subject is of sufficient magnitude to institute an inquiry and thorough examination, by some person who is an adept in the science of mineralogy.

From the Port Carbon Gazette.

#### SKETCH OF PORT CARBON.

Where the town of Port Carbon now receives the invaluable treasures of our mines, four years since the solitary bittern could rest unmolested, and the noisy king fisher pursue his depredations on the finny tribe, which fill the transparent waters of the Schuylkill, and the full-flowing and pellucid steam of Mill Creek. Now at the confluence of these streams the landings commence, and extend thence about a quarter of a mile down the Schuylkill. From an elevated situation on the north-east part of the town a bird's eye view may be had of the movements and active industry of the place. On the west, descending the Mill Creek rail-road, which winds through this part of the town, may be seen continued trains of rail-cars, moving to their destination at the different chutes and landing-places—some high up on trestles and some under this work, to suit the different views of the operators, as to the convenience of loading their boats.

While the eye may be here engaged in busy interest, the animating notes of the boat-man's horn, call the attention to the arrival or departure of canal boats, giving to the whole scene an air of busy life, peculiarly animating.

No regular plan has been pursued in the formation of this town. In what may be called its centre there are still standing some trees, which may number a century before the discovery of this continent. This is owing to the independent plan pursued by the several proprietors; yet as you approach from Pottsville the lively sprinkling of houses, in the additions locally distinguished as Lawtonville and Irishtown, give an agreeable impression of this town in the woods.

Advancing still nearer the Landings, the large stone warehouse of Col. Wetherill, and many other fine buildings, make up a view of three-fourths of the town. The outlines are broad, yet there is no question that in a few years they will be filled up, and the aspect of the whole town changed.

Canal-basins may be extended up Mill creek, fine stores and dwelling houses, and well regulated side walks, may ornament its margin, and when all its advantages of position are considered, we may predict for this place a celebrity and importance little inferior to the far-famed Rochester of New York.

The Schuylkill Valley and Mill Creek Rail-roads, terminate here: the former, ten miles in length, passing over a fine coal region to Tuscarora, the latter, four miles in length, to the Mine Hill and Broad Mountain veins, both intersected by numerous lateral roads, connected with approved collieries commencing in the town itself, which is in fact built over the coal, one of the most valuable veins in the country passing under it.

When the Danville and Pottsville Rail-road shall be completed, Port Carbon will derive her full share of benefit. A reference to the plan of their works will show our position to be peculiarly favourable, and the Mill Creek Rail-road can be connected with it, so as to bring the travelling, in a *direct line*, to the Port Carbon landings, and much nearer to the navigation than the termination designated by their charter. I do not refer to the map issued with the circular of the company, as the author did not think proper to give a name to *Mill creek*, or to mark it as a part of the route, although the



road is already graded on it for a considerable distance, and within three miles of our town, which, by the way, was also not deemed worthy a name, although as large, at the time the map was published, as the county town, the name of which appears therein conspicuously.

A first rate road, already commenced, will also be completed, in the course of this summer, from the centre turnpike at New Castle, of a much easier grade than the turnpike, and extended to our county town, which by this shortened route is not five miles distant; so that our neighbors of Pottsville, will find it convenient to pass through Port Carbon to the seat of justice. The saving of toll for eight and half miles on the turnpike will be some inducement to them, and no trifle to the teamsters from the upper country, who are sufficiently sagacious to discover the nearest and cheapest road to market. The people of Orwigsburg will be materially benefited by the new facilities of communication thus opened.

METEOROLOGICAL REGISTER.

Extract from the Meteorological Register, taken at the State Capitol—Harrisburg, Pennsylvania,  
By JAMES WRIGHT, Librarian.

MAY, 1832.

Days of the Month.	Days of Week.	Thermometer.				Barometer.				WINDS.
		Morning temperature.	Noon temperature.	Even. temperature.	Mean temp. of day	Highest in Morn.	Highest at Noon.	Highest in Even.	Mean height of Barometer each day	
1	Tuesday	55	65	70	63	29.70	73	76	29.73	N W
2	Wednesd	45	70	67	61	70	73	76	73	N
3	Thursd'y	51	69	62	61	70	74	75	72	E
4	Friday	60	65	68	64	73	75	77	73	S W
5	Saturday	57	70	63	63	75	73	72	73	N
6	Sunday	50	66	57	58	69	72	72	71	S E
7	Monday	52	69	66	62	70	73	76	73	S E
8	Tuesday	57	67	69	64	72	74	76	74	S
9	Wednesd	58	70	68	65	71	73	76	73	W
10	Thursd'y	64	75	79	73	77	79	80	79	S E
11	Friday	65	76	71	71	79	78	77	75	S E
12	Saturday	54	77	78	66	70	74	78	74	S
13	Sunday	65	82	74	77	78	76	76	77	S
14	Monday	67	86	76	76	76	78	75	76	S
15	Tuesday	67	76	69	71	76	76	73	75	W
16	Wednesd	54	70	76	63	68	71	76	72	S W
17	Thursd'y	54	78	80	71	70	76	80	75	S E
18	Friday	65	84	81	77	73	77	80	77	S W
19	Saturday	63	81	67	70	71	76	72	73	S E
20	Sunday	65	72	65	67	60	72	65	66	N W
21	Monday	48	68	67	61	65	70	75	70	N W
22	Tuesday	50	70	72	64	73	77	81	77	N W
23	Wednesd	52	59	57	56	74	75	76	75	S E
24	Thursd'y	49	53	51	51	74	72	70	72	E
25	Friday	48	60	55	54	70	73	70	71	N
26	Saturday	55	55	51	52	67	66	65	66	N E
27	Sunday	50	65	60	58	62	64	64	63	N
28	Monday	50	70	65	62	65	69	67	64	N W
29	Tuesday	48	72	70	63	67	73	75	72	N W
30	Wednesd	55	56	56	56	68	68	69	65	N W
31	Thursd'y	55	61	66	61	67	68	72	66	N
Thermometer.		Barometer.								
Maximum on 13th		77°	Max. on the 10th		29.79 in.					
Minimum on 24th		51°	Min. on the 27th		29.63 in.					
Difference		26°	Difference		.16 in.					
Mean		64°	Mean		29.72 in.					

Atmosphere.		Morning.		Afternoon.	
1	6	2 days	Clear	Clear	
7	21	2 "	Clear blust'g	Clear blust'g	
2	9 10 11 12 13 17				
	18 27 28 29	12 "	Fair	Fair	
25		1 day	Fair	Cloudy	
20		1 "	Cloudy	Fair	
30	31	2 days	Cloudy blust'g	Clou'y blust'g	
16		1 day	Show'y blust'g	Clou'y blust'g	
4		1 "	Cloudy	Showery	
5	16	2 days	Showery	Cloudy	
15		1 day	Showery	Clear	
23	24 26	3 days	Rain	Rain	
14		1 day	Showery	Showery	
19		1 "	Fair	Rain th. gust.	
3		1 "	Cloudy	Cloudy	

On the 14th, at noon, the thermometer at 86° the highest. On the 2d, in the morning, thermometer at 45° the lowest. Range 41° in the month.

On the 22d, in the evening, barometer at 29.81 inches, the highest. On the 20th, in the morning, at 29.60 inches, the lowest. Range in the month 00.21 inches.

The wind was 10 days east of the meridian; 12 days west of it; 5 days north, and 4 south.

This month was 11° warmer than the month preceding it, and 3½° warmer than last May.

CHESAPEAKE AND DELAWARE CANAL.

General report of the President and Directors of the Chesapeake and Delaware canal company.

In compliance with the provisions of the charter of the Chesapeake and Delaware canal company, the president and directors, submit the annual report of their proceedings, together with the treasurer's statement of the financial concerns of the company.

Since the last meeting of stockholders, the canal has been in daily use, except when obstructed by ice, which occurred only when the navigation of the Delaware and Elk rivers was closed by the same cause. The trade by way of the canal was for a short time somewhat impeded, as the draft of water which could be carried through it was reduced to about six feet during the early part of this season, in consequence of the formation of a culvert crossing the line of the canal near Delaware city.

This work was rendered indispensably necessary, for the purpose of draining a large body of marsh, the overflowing of which, being caused by the embankments of the canal stopping the usual water courses, had given rise to extravagant claims for damages, and been a fruitful source of litigation and expense to the company. After a careful investigation, it was ascertained that these evils could not be prevented except by venting the water in its natural channel. To effect this desirable object, a very capacious culvert, made of adequate strength to resist any pressure that it could under any circumstances have to sustain, has been laid under the bottom of the canal, in such a position that it communicates with the water course by which the marshes were drained before the canal was made. This has been done without preventing its navigation for a day.

The formation of this culvert has been difficult and tedious, but it is now finished and in full operation, and is found effectually to answer the purpose for which it was intended. Much attention has been given to the selection of proper materials, as well as to the construction of the work; which being constantly under water, is by that means protected from decay.

During the past season, the canal generally, has been in good order. The earth which it was necessary to remove from the sides of the deep cut, has been used to



enlarge and strengthen the towing-path, in exposed places, where it had been partially chafed away by the action of the waves, or to increase its height in those parts, where, from the consolidation of the materials of which it had been formed, it had become too low.

The walls of one of the locks on the upper level have been raised, by which an additional supply of water, of nearly a foot in depth, over that level, (of about six hundred acres in extent,) has been obtained. This, with the aid of the other reservoirs, has furnished a quantity fully adequate to meet the loss by evaporation, or demand for lockage, during the whole of last season.

The additional height of water will make necessary a corresponding increase in the stoning on those parts of the banks of this level where it has not been already done. Since the last report, final settlements have been satisfactorily completed with all the contractors except one, that were employed in constructing the canal, locks, bridges, and walls, and the several balances that were due them paid.

Purchases and payments have also been made of the different pieces of land, which by permanently overflowing or other causes, became requisite for canal purposes.

The claims of damages for temporary occupancy of ground, by flooding or otherwise, have been very generally adjusted and liquidated.

The tolls received since the last annual statement, amount to \$63,073 47. This is not as large a sum as could have been fairly calculated on, or as was anticipated. The deficiency may, however, readily be traced to several causes. Among these were the early commencement of the severely cold weather of the past winter, and its long continuance, which stopped the navigation on the canal much sooner, and kept it closed until a later period than ordinary, and prevented the receipt of any revenue for a considerable time. A diminution of the general mercantile transactions during the present spring, and the short quantity of flour made last season, have also, each materially affected the business of this company. The completion of the rail-road in the vicinity of the canal, has taken from it, for the present, the transportation of passengers, and a portion of the light articles of merchandize.

But the cause which has been most operative of any on the tolls, this spring, has been the state of the waters of the river Susquehanna, the usual ice freshet having taken place early in the season, and passed off so rapidly and violently, as not to be available for transportation, and the river has since been so low, except for very short periods, that the produce of the interior parts of Pennsylvania and New York, which heretofore by that channel sought its way to market, has been prevented or delayed thus far, this season, from pursuing its usual course.

The following statement will show the number of passages since the last report, that have been made through the canal, by regular packets employed in the transportation of merchandize between Baltimore, Alexandria, Richmond, Petersburg, and Norfolk, and Philadelphia. Also the number of passages of vessels engaged in carrying produce, with an account of the quantity of some of the principal articles with which they were laden.

1183 packets with merchandize.  
 824 vessels, carrying wood 19,932 cords.  
 236 do. arks and rafts, carrying  
   lumber 6,037,907 feet.  
 148 do. carrying flour 47,685 barrels.  
 267 do. do. wheat, corn, &c. 316,173 bushels.  
 2975 do. do. cotton, iron, oysters, fish, coal,  
   whiskey, and various other articles.

5633 passages that have been made between 1st June, 1831, and 1st June, 1832.

The general business of the canal has been gradually and progressively increasing since it was opened, as

indicated by the following comparative statements of the number of vessels that have passed through it, the amount of tolls received, and the rates of increase during the different periods.

*Number of passages made through the canal.*

	From Del.	From Chès.	Total.
From 31st Aug. 1829, to 1st Jan. 1830,	375	309	684
1st Jan. 1830, to 1st Jan. 1831,	2567	2457	5024
1st Jan. 1831, to 1st Jan. 1832,	2682	2549	5231
1st Jan. 1832, to 1st June, 1832,	1139	1155	2294
	<u>6763</u>	<u>6470</u>	<u>13233</u>

*Amount of tolls received.*

From 31st Aug. 1829, to 1st Jan. 1830,	\$6,822 88
1st Jan. 1830, to 1st June, 1830,	17,835 28
1st June, 1830, to 1st Jan. 1831,	32,228 84
	<u>dur. 1830, 50,063 66</u>
1st Jan. 1831, to 1st June, 1831,	28,994 67
1st June, 1831, to 1st Jan. 1832,	39,107 95
	<u>dur. 1831, 68,102 62</u>
1st Jan. 1832, to 1st June, 1832,	23,965 52

The revenue of the company during the portion of the year 1829, that the canal was in operation, as contrasted with that of 1830, shows an increase on the amount of the first, exclusive, in both cases, of receipts for passenger barges, at the rate of 48 per cent.

The revenue (also exclusive of that from passenger barges,) during the year 1830, as compared with that of last year, shows an increase on the amount of the former period, and in favor of the latter, at the rate of 50 per cent.

By the preceding statement may be seen the rapid manner in which the trade on the canal has increased, from its commencement until this spring.

As the principal causes which have made the business of the present season an exception to the general rate of increase are but temporary, it may fairly be inferred, that the effects will be of the same transient character, except that arising from the competition in the transportation of passengers, as some of them no doubt will continue to go by other routes, while a portion may prefer that by way of the canal.

Applications have recently been made from different quarters, in relation to the use of the canal by passenger barges, to be propelled by steam power; as by that means, it is thought, they might rival in speed, as they would in comfort and convenience, any other way of crossing the Delaware peninsula. And it is probable, the public, next season, will have an opportunity of testing the relative advantages of each mode of conveyance.

Frequent attempts having been made to defraud the revenue of the canal company, by means of false manifests of cargoes, and various deceptions, which there was no power under the charter to punish by fine, or otherwise, when detected, a remedy for this evil became necessary. Applications were therefore made during their last sessions, to the Legislatures of Pennsylvania, Delaware, and Maryland, for the passage of laws, in the several states, to prevent these practices, by subjecting the persons engaged in them to penalties. Acts were accordingly passed by each, inflicting a fine, in one state of twenty dollars, and in the others of double the usual rates of toll, with all the incidental expenses of examination and costs of prosecution.



It is expected, that by a strict enforcement of the provisions of these laws, a recurrence of similar attempts will hereafter generally be prevented.

The difficulties that must be encountered in the navigation of Back creek having been made more apparent, and increased by the additional trade through it, another application has recently been made to Congress, for an appropriation for the purpose of improving its channel. A bill is now before that body, embracing this very desirable object; and there is a well grounded expectation that it will pass, and ultimately become a law. This creek being a tide water and great public highway, it is believed that an act to improve its navigation would not come within the range of the constitutional objection to certain classes of internal improvements.

Although the revenue of the company, for the last season, has not been as great as was expected, yet as the general trade has continued progressively to increase, there is no reason to believe the favorable results that have been anticipated, in relation to the canal, will not be realized. The stockholders will soon derive other benefits than those they now share in common with the public, in the facilities afforded to trade and intercourse, and the consequent increase of both; and the advantages, so far as respects the citizens of Philadelphia, of the additional quantity and diminished price of many of the necessities of life, which are so largely supplied by means of this new channel. And there can be little doubt, that the transportation through it, will continue to augment from ordinary causes as heretofore; and particularly by the extension of the Baltimore and Ohio rail-road, and other internal improvements of the south. In addition to which, it will be greatly increased when the communication shall be open between the northern and southern states, by the construction of the Delaware and Raritan canal, now in rapid progress; which will complete a great chain of inland sloop navigation along the sea-board, of which the Chesapeake and Delaware canal now forms but an unconnected part.

Since the last annual meeting, Mr. S. Griffiths Fisher has been appointed secretary and treasurer, in consequence of the resignation of Mr. Henry D. Gilpin, who had held those offices from the reorganization of the company in January, 1822. The board feel it due to the gentleman with whom they have been so long and so intimately associated, to testify, in the conclusion of this report, the high sense they have individually entertained, of the intelligence, urbanity, and efficiency, with which Mr. Gilpin uniformly discharged his important and sometimes complicated duties, and to express their best wishes for his happiness in every station to which his talents and capacity for enlarged usefulness may call him.

Signed by order and in behalf of the president and directors.

ROBERT M. LEWIS, President.

S. GRIFFITHS FISHER, Secretary.

Chesapeake and Delaware canal office, }  
June 4th, 1832. }

From the Philadelphia Gazette.

#### PROCEEDINGS OF COUNCILS.

Friday, June 8, 1832.

**SELECT COUNCIL.**—Mr. PETTIT presented a petition praying that Lawson street be paved, which was referred to the paving committee.

Mr. JOHNSON presented a petition from the inhabitants of Thirteenth and Lombard streets, relative to a nuisance, which was referred to the same committee.

A communication was received from the city commissioners, which was referred to the same committee.

The ordinance relative to wooden buildings, was taken up for consideration, and was passed.

Mr. GROVES moved to take up the resolution he offer-

ed on Monday night, relative to the report of the committee to visit the lands of the late Stephen Girard, which was agreed to. Messrs. Groves and Lippincott, were appointed the committee on behalf of the select council.

Mr. LIPPINCOTT offered the annexed resolution which was adopted.

Resolved, That the Mayor is hereby authorised to draw his warrant on the city treasurer, in favour of the committee appointed to view the lands of Stephen Girard, for the amount of the expenses incurred by them, and that the same be charged to the Girard fund.

**COMMON COUNCIL.**—Mr. SEXTON was called to the chair in the absence of the president.

Petitions were presented similar to those presented in the select council.

The common council appointed Messrs. Sullivan, Oldenburg, and Wetherill the committee on their part relative to the Rail-road along Broadstreet.

Messrs. Moss, Hood and Wainwright, were appointed the committee relative to the communication received from the board of health.

Thursday, June 14, 1832.

**SELECT COUNCIL.**—Mr. TOLAND, presented the following communication from the nephews of the late Stephen Girard.

*To the Select and Common Councils of the city of Philadelphia.*

The memorial of John Fabricius Girard, and John Auguste Girard, citizens of France, nephews and legatees of Stephen Girard, deceased,

Respectfully sheweth, that being advised of the death of their uncle and of his bequests in their favor, they came to this city to receive their respective legacies, having the most unlimited confidence, from his uncommon wealth and resources, that they had but to ask and receive.

Your memorialists, however, has been advised that the law intended for the benefit of creditors, allows them a year to present their claims, and will not within that period compel the executors. But, that, where not even the most remote suspicion can be entertained of the insufficiency of the estate to pay debts and legacies, the reason of the law fails, and with it fails the necessity of withholding them. It will hardly be avowed that the legacies are retained until it can be ascertained whether the estate be sufficient to pay them, and the executors and residuary legatees are above the suspicion that they are retained, that an interest may be made for the benefit of either, from money which does not belong to them, but was given to others under very peculiar circumstances.

Your memorialists have therefore been induced to apply to the councils as residuary legatees, for their consent as far as will concern them, to the payment of these legacies, in like manner as if a year had elapsed since the testator's death, so that no apprehension may remain that those who take by the will of their relative the great mass of his estate will at any time censure or complain of the executors for not withholding from the family of a great public benefactor, until the last hour which the law tolerates, the acknowledgments which he has made of the claims of consanguinity.

F. F. GIRARD,

JEAN GIRARD, Junr.

Philadelphia, 14th June, 1832.

Mr. PETTIT presented the annexed petition from Messrs. Mordecai and Samuel N. Lewis, which was referred to a joint committee of two members of each council, and Messrs. Pettit, Groves, Baker and Moss were appointed the committee.

*To the Select and Common Councils of the city of Philadelphia.*

The memorial of Mordecai Lewis and Samuel N. Lewis, respectfully sheweth:



That your memorialists are the owners of the entire square of ground, bounded by Pine and Lombard, and Schuylkill 7th and 8th streets, in the city of Philadelphia. That on the said ground, they have erected buildings at great expence, for the manufactory of white and red lead; and have their manufactory in successful operation. That they have found it expedient to put up new beds for the corroding of the lead; and early in the season commenced the preparation for the same. That early in the month of April, they gave an order to cut the stuff for the work, and it was prepared and principally hauled on the ground between the 1st and the 7th of June. That the carpenter who had been engaged long before, commenced his work on the 9th of June, and has prepared a considerable part of the frame. That the foundation was done before the 1st of June, and all this without any knowledge or suspicion that it was contemplated to enact an ordinance, which would in any way or manner affect the building proposed to be erected.

Your memorialists respectfully submit to councils, that their case is one which seems to require relief by an exemption from the ordinance recently passed in relation to the erection of wooden or frame buildings. Great expence has been incurred in preparation, which must be almost wholly lost. The operations of a useful manufactory materially interfered with; and thus great and serious injury done to your memorialists, by an ordinance, which is virtually as relates to them *ex post facto*; and that too in a case in which as they are the proprietors of the square of ground, the erection of a frame cannot be of any possible injury to any other of the citizens.

Your memorialists therefore respectfully request, that a resolution may be passed by councils, which shall exempt from the operation of the ordinance in question, the buildings already commenced by your memorialists on the ground heretofore mentioned.

MORDECAI LEWIS,  
SAM'L. N. LEWIS.

Philadelphia, June 14, 1832.

MR. TOLAND offered the following resolution which was adopted by both councils.

Resolved, by the select and common councils of the city of Philadelphia. That the executors of the late Stephen Girard be, and they are hereby authorized, so far as the interests of this corporation, as residuary legatees are concerned, to pay all persons entitled to receive bequests under his will, the sums to which they are respectively entitled by said will, without waiting for the expiration of the year, from the date of his decease.

MR. PETTIT presented the annexed petition from Stephen Kingston, which was referred to the committee on Rittenhouse square.

*To the Select and Common Councils of the city of Philadelphia:*

The memorial of Stephen Kingston, proprietor of the lot from Fourth to Fifth street, Rittenhouse square, on the south side, respectfully sheweth:

That as the said square is to be forthwith inclosed with a handsome fence and planted with trees, your memorialist begs leave to propose, that the front of all buildings on said lots shall be erected on piers or columns, eighteen feet in height, projecting over the space appropriated for a footway, which footway not to be less than twelve feet in width, and the houses of brick or marble, or of both, and to be of equal height, affording protection at all times,

"From storms a shelter, and from heat a shade."

On which memorialist is willing to bind himself, his heirs and assigns, to comply with the ordinance, all other proprietors of lots bounding on said square; may be invited to enter into similar contracts. That this arrangement will contribute in an eminent degree to beautify

the city, extend its celebrity, and render it more attractive, cannot be doubted.

Very respectfully, gentlemen,  
Your obedient serv't,

STEPHEN KINGSTON.

MR. PETTIT presented the subjoined letter, with the map, from Mr. Trautwine.

*Philadelphia, June 14, 1832.*

Dear Sir,—Will you do me the favour to present the accompanying map (in my name) to the city councils—it will perhaps prove serviceable to them while considering the propriety of continuing the Columbia road down Broad street, from Vine to South, and as it is drawn from actual survey may be interesting to such of the members as own property along the line. With the greatest respect,

Yours, &c.

JOHN C. TRAUTWINE.

THOMAS PETTIT, Esq.

MR. GROVES offered the following resolution, which was adopted.

Resolved by the Select and Common Councils, That the committee on Washington and Rittenhouse squares be requested to make report of the amount already expended, and the probable amount that may be required to complete the improvements heretofore authorised by councils to be made in Rittenhouse square.

MR. JOHNSON offered the annexed resolution, which was adopted, and Messrs. Johnson, Fox, Moss, and Wainwright, were appointed the committee.

Resolved by the Select and Common Councils, That a committee of two members from each council be appointed for the purpose of purchasing wood for the necessitous poor.

MR. PETTIT presented the following resolution, which was adopted.

Resolved, That the thanks of the councils be and they are hereby tendered to John C. Trautwine, Esq. for the well executed and useful map of the eastern termination of the Philadelphia and Columbia Rail-road, executed by him and presented in his name to the councils.

The following communication was received from the west Philadelphia canal company, which was referred to a special committee of two members of each council, and Messrs. Lippincott, Worrell, Hood and Okie, were appointed the committee.

*To the Members of the Select and Common Councils of the city of Philadelphia.*

GENTLEMEN—I am directed by the board of managers of the west Philadelphia canal company, to inform you, that they have determined speedily to commence, and as soon as practicable, complete the canal around the western abutment of the permanent bridge.

In order to effect that object, they have resolved to increase the capital stock of the company \$25,000 beyond the amount subscribed for incorporating it, but no money shall be required to be paid until four hundred shares of the additional stock shall have been subscribed.

The managers are desirous to ascertain from councils what assistance the city will afford toward completing the work, as the board have determined not to commence the work, until the adequate funds are raised to fully execute their undertakings. Should councils appoint a committee to examine the subject of this communication, they will be met by a committee from the managers, ready to confer and furnish councils with any information they may require in this behalf.

Respectfully, &c.

ROB. BETHELL.

Sec'y Managers West Philada. Canal Co.

MR. GROVES called up for consideration the following resolution, which he offered on the 10th of May, which was agreed to and adopted, and Messrs. Groves, Worrell, Pettit, Hood, Ryan and Moss were appointed the committee.



"With the view of carrying into effect that part of the will of Stephen Girard, which makes it the duty of the corporation of the city of Philadelphia, to erect buildings suitable for a college on the place and in the manner described in the said will—Therefore,

Resolved, by the Select and Common Councils, That a joint committee consisting of 3 members of each council be appointed for the purpose of advertising for and procuring plans for the said college and such out-buildings as may be necessary to accommodate 300 students, and that the said committee be authorized to offer a premium of 400 dollars for the plan which may be approved of, and 200 dollars for the one next in point of merit, and for the third best plan 150 dollars, which plans when received shall be reported to council at a special meeting, which shall be called for that purpose, who shall determine the premium aforesaid."

COMMON COUNCIL.—MR. SEXTON was called to the chair in the absence of the president.

Petitions similar to those presented in the Select Council were received.

MR. BAKER, as chairman of the paving committee, made the two following reports and resolutions which were adopted.

The paving committee to whom was referred the petition of a number of citizens, requesting Blight's and South avenue to be paved, reported favorably.

MR. MOSS as chairman of the committee to improve the western front of the city, made the following report and resolution, which were laid on the table, and the plan was directed to be placed in the city commissioners' office for inspection.

"The committee appointed to report a plan for improving the city property between Market and Chesnut streets, on the river Schuylkill, report:

That after giving the subject due consideration they have concluded to submit the plan which accompanies this report, as one which in their opinion is best adapted to render this important portion of the city property most convenient for landing or shipping such articles as are transported on that river; and also that, which will produce the largest income, and which is well calculated to afford convenience to the citizens.

The ware houses can be constructed or not as may be hereafter determined on; but we would recommend that the whole should be completed as soon as practicable, as well because we are satisfied from all the information which we could collect, that the whole improvement would produce such an income, as it would be impolitic not to realize with the least possible delay, but also that it would afford considerable accommodation to our fellow citizens and add much to the appearance of that important and improving part of the city.

The committee therefore offer the following resolution:

Resolved, That the plan recommended by the committee as reported on the 14th day of June, for improving the city property on river Schuylkill, between Market and Chesnut streets, be, and the same is hereby adopted."

The common council took up for consideration the resolution offered by Mr. Groves, for appointing a committee to carry into effect the report of the committee relative to Mr. Girard's lands, which was adopted and Messrs. Coryell and Sullivan were appointed the committee on behalf the common council.

The common council also concurred in the resolution relative to paying the expenses of the committee.

MR. SULLIVAN called up for consideration the resolution which he offered at a previous meeting, relative to defraying the funeral expenses of the late Stephen Girard, and when agreeing to the resolution, the yeas and nays were called for, and were as follows—Yeas, Messrs. Hood, Okie, Sexton and Sullivan—4. Nays, Messrs. Baker, Coryell, Horn, Leiper, Mayberry, Moss, Patterson, Ryan, Wainwright and Wetherill—10. The resolution was lost.

## SANITARY MEASURES.

Monday, June 18, 1832.

SELECT COUNCIL.—MR. NEFF presented the following petition from owners of property in Dock street, which was referred to the paying committee.

*To the Select and Common Council.*

The subscribers, residents and occupiers of stores in Dock street, beg leave to represent, that in consequence of the bad condition of the sewer in said street their cellars are completely inundated; thereby rendering them useless as places of storage and affecting the health and comfort of all who dwell in said street and its neighborhood. The subscribers would therefore pray that a committee be appointed from your honorable bodies to inquire into this cause of complaint, and if possible to have it remedied.

MR. SCOTT reported the following ordinance for Sanitary purposes, which was passed.

### AN ORDINANCE FOR SANITARY PURPOSES.

SECTION 1. *Be it ordained and enacted by the citizens of Philadelphia, in select and common councils assembled,* That the Mayor be authorised to borrow forthwith, at a rate of interest not to exceed 5 per cent per annum, the sum of \$50,000, which loan shall be irredeemable before the year 1852, and the certificates of which shall be issued and be transferable in the same manner as other certificates of city debt.

SECT. 2. *And be it further ordained and enacted by the authority aforesaid,* that the sum so raised shall, together with the premium upon it, be passed to the credit of a fund to be called the sanitary fund, and shall not be used for any purpose or purposes whatsoever, unconnected with sanitary measures.

SECT. 3. *And be it further ordained and enacted by the authority aforesaid,* That a board to be called the "sanitary board" shall be forthwith constituted, to consist of 3 members of the select council, and 5 members of the common council, together with the Mayor and Recorder of the city, whose duty it shall be to direct all such measures towards the cleansing and purifying of the city as they may think proper, and with power and authority to prepare proper depots and places of reception for the sick, and to do and perform all such matters as in their discretion they may deem right.

SECT. 4. *And be it further ordained and enacted by the authority aforesaid,* That the fund to be raised as aforesaid, shall be at the command and under the controul of said board, and shall be drawn from the treasury upon the order of the Mayor, whenever a vote of said board shall require it.

SECT. 5. *And be it further ordained and enacted by the authority aforesaid,* That the members of the select and common council shall be divided by the clerks by lot, into classes, of the above numbers each, and each class shall serve as members of said board 2 weeks, five of the board shall constitute a quorum, and they shall keep minutes of their proceedings, and shall meet daily.

SECT. 6. *And be it further ordained and enacted by the authority aforesaid,* That 8 additional superintendents of the streets shall be appointed by the Mayor, to be and continue in office as long as may be necessary, at a salary of \$40 per month, and that said superintendents shall be charged with and responsible for the complete and entire cleanliness of the streets, lanes and alleys committed to their care: that the city shall be divided forthwith by the Mayor and city commissioners into 8 districts, one of which shall be assigned to each of said superintendents, and the whole be carefully and unremittingly supervised and inspected by the two superintendents already existing.

Enacted into an ordinance in the city of Philadelphia, this 18th day of June, in the year of our Lord one thousand eight hundred and thirty-two.

SILAS W. SEXTON,

President pro. tem. of the Common Council.

JOHN M. SCOTT,

President of the Select Council.

Attest—ARCH'D RANDALL, Clerk of Select Council.



Mr. NEFF offered the annexed resolution, which was adopted by both councils.

Resolved by the select and common councils, That the city commissioners be directed to have Swanwick street, from George to Walnut street repaved forthwith, (under the direction of the paving committee should they deem it necessary.)

Mr. PETTIT offered the two following resolutions, which were agreed to.

Resolved, That it be respectfully suggested to the board of health, that one or more agents be immediately employed by them, in each ward of the city of Philadelphia, to visit and inspect all cellars, yards, docks, and privies, in said ward; and to report thereon to the board of health, with a view to the prompt cleansing and purifying of all such places as may be found to require the attention of that board.

Resolved, That the committee to whom was referred the communication received from the board of health, on the 4th inst. be authorized to confer with the board of health, and with any committee that may be appointed for the purpose by the corporations of the adjoining districts.

COMMON COUNCIL.—Mr. SEXTON, was called to the chair.

Mr. HOOD presented a proclamation from the board of health in Dublin, which was read, and referred to the Sanitary Board.

Mr. OKIE, as chairman of the committee on the drawbridge wharf made the following report and resolution, which were adopted.

The committee appointed for the purpose of inquiring into the expediency of improving the drawbridge wharves, by converting the same into landings for the accommodation of steamboats. Report:

That they have had that matter under serious consideration, and have come to the conclusion, that it would not be proper at this time to take any action upon the subject. They therefore, respectfully offer the following resolution.

Resolved, that the committee be discharged from the further consideration of the subject.

The sanitary committee appointed by an ordinance of the select and common councils, met at the select council chamber. B. W. RICHARDS, Esq. was appointed chairman of the committee, and GEORGE FOX, Esq. Secretary.

The commissioners of the district of Southwark have appointed John Carroll an agent, whose duty it is to walk every day through the streets, lanes, and alleys of the district, for the purpose of inquiring and ascertaining into all matters and things which may be prejudicial to the health of the district.

He shall notice and report all nuisances on private property, more especially any impurity in the cellars or yards, to the board of health, and to the president of the corporation without delay.

He shall notice and report all nuisances which he may find upon the streets, lanes and alleys, of the district of Southwark, without any delay, to the superintendent of police, and likewise to the president of the board; that is,

Any dead carcase or any putrid or offensive matter which he may discover in the streets, &c. of the district, he is to report to the superintendent of police.

Any stagnant water, heaps of street dirt, which have remained in the streets more than twenty-four hours, he shall report to the superintendent of the district and likewise to the president of the board, without delay.

He shall report every other matter or thing which he may discover prejudicial to public health, to the president of the board.

The commissioners have likewise directed all the streets, lanes and alleys of the district, to be thoroughly

cleaned and washed without any delay, and the gutters to be washed at least three times a week.

JOHN OAKFORD,  
Clerk of the District of Southwark.

The guardians of the poor also, on Monday, appointed a committee of three members to confer with a similar committee of the board of health.

From the Blairsville Record.

CAPTAIN SAMUEL BRADY.

We are indebted to Doctor James Mease of Philadelphia, for the letters of General Broadhead, relative to Captain Samuel Brady, which appear in our paper of to-day.

“HEAD QUARTERS, *Pittsburg*, }  
June 26th, 1679. }

DEAR SIR,—About a fortnight ago three men whom I had sent to reconnoitre the Seneca country, returned from Venango, being chased by a number of warriors who were coming down the river in canoes; they continued their pursuit, until they came to this side Kittanning, and the white men narrowly escaped. A few days ago they returned. Capt. Brady with twenty white men and a young Delaware chief, all well painted, set out towards the Seneca country, and the Indian warriors proceeded towards the settlement. They killed a soldier between Fort Crawford and Fort Hand, and proceeded towards Sewickly settlement, where they killed a woman and her four children, and took two children prisoners. Capt. Brady fell in with seven Indians of the party, about 15 miles above Kittanning, where the Indians had chosen an advantageous position for their camp. He however surrounded and attacked them, at the break of day: killed the Indian Captain, a noted warrior of the Muncy Nation, and mortally wounded several more; but the woods were remarkably thick, and the party could not pursue the villains after they had stopped their wounds, which they always do, as soon as possible after receiving them. Capt. Brady however retook six horses, two prisoners, the scalps, and all their plunder, and got all the Indian's guns, tomahawks, match coats, mockasins; in fine, every thing they had except their breech clouts.”

The expedition of Capt. Brady to Sandusky, referred to in one of the numbers of “Kiskiminetas,” is mentioned by Gen. Broadhead in three letters. In one to president Reed of Pennsylvania, under dates of June 29 and 30th, 1780, he says—“Capt. Lieut. Brady has just returned from Sandusky; he took two squaws prisoners within a mile from their principal town, one of whom made her escape after six days march: the other he brought to Euscusky, where he met seven warriors who had taken a woman and child from Chartiers creek; he fired on the captain of the party and killed him, and has brought in the white woman and the Indian scalp, but the squaw made her escape at the same time. When Capt. Brady fired upon the Indian party, he had only three white men, and only two rounds of powder left. He was out 32 days, six of which he was destitute of provisions, but has brought his whole party safe to this place.”

SLAVERY IN PENNSYLVANIA.—Of the 221 persons returned as slaves in the eastern district of this commonwealth, 160 are under 35 years of age; and of the 182 in the western district, 150 are under 35 years of age; so that out of the 403 which the census exhibits as slaves, 310 are certainly free, and were free at the taking of the enumeration: and, of the remaining 93, 86 were under fifty-five, and over thirty-six years of age. Supposing that *only* two-thirds of these were under fifty, at the taking of the census, then, the whole slave population of the state did not exceed 69.—*Pitts. Gaz.*



## CENSUS OF POTTER, SUSQUEHANNA.

## WHITE PERSONS.

NAMES OF Towns, Boroughs and Townships.	MALES.												FEMALES.					
	Under 5.	5 to 10.	10 to 15.	15 to 20.	20 to 30.	30 to 40.	40 to 50.	50 to 60.	60 to 70.	70 to 80.	80 to 90.	90 to 100.	Under 5.	5 to 10.	10 to 15.	15 to 20.	20 to 30.	30 to 40.
POTTER CO.*	140	103	68	54	122	77	49	31	13	6	0	0	134	95	71	67	105	52
SOMERSET.																		
Milford,	241	158	124	87	138	71	59	33	16	6	2	1	169	132	124	80	122	91
Turkeyfoot,	146	105	82	59	84	63	42	26	16	7	2	0	149	105	69	74	87	64
Addison,	140	86	78	64	98	64	27	31	12	2	2	1	125	91	66	68	102	50
Elklick,	176	144	102	100	113	74	51	23	14	5	1	0	177	121	90	76	118	64
Southampton,	94	74	45	35	41	31	23	11	11	6	2	0	99	57	39	29	41	31
Greenville,	61	31	27	26	42	24	14	18	5	1	0	0	74	50	33	28	47	17
Brother's valley,	220	163	115	95	155	89	50	40	34	9	3	1	170	155	117	93	139	93
Allegheny,	64	50	33	24	32	31	7	6	3	4	0	0	48	41	34	25	46	25
Stony creek,	123	85	65	56	70	45	30	22	13	6	0	0	110	83	65	63	82	44
Somerset boro'	59	41	38	39	87	41	16	17	6	4	1	0	58	31	44	34	58	28
Somerset,	318	236	156	111	177	114	98	50	21	25	3	0	236	199	150	170	87	111
Quemahoning,	129	99	60	54	96	65	31	17	11	4	1	0	120	80	55	65	97	49
Conemaugh,	90	55	48	46	64	24	32	19	9	4	0	0	61	70	52	51	56	22
Shade,	117	78	64	55	85	55	37	26	15	11	2	0	153	98	57	54	98	48
Jenner,	127	93	65	52	103	70	30	18	17	6	2	0	131	94	55	68	97	59
SUSQUEHA'A.	2105	1498	1092	903	1385	861	547	357	203	100	21	3	1880	1398	1050	978	1377	796
Harmony,	38	33	21	12	46	15	9	3	4	2	0	0	25	29	21	30	19	18
Jackson,	67	58	36	22	62	40	20	6	5	0	1	0	71	51	56	37	53	34
Hirrick,	61	39	31	24	27	34	15	8	2	0	1	0	36	49	34	27	30	25
Great Bend,	86	69	54	37	83	38	26	11	9	3	3	0	75	60	50	52	61	34
Montrose boro'	33	29	22	26	60	29	11	5	1	2	0	0	38	22	26	25	38	26
Dundaff boro'	20	18	12	25	44	17	6	2	0	0	0	0	32	17	18	28	44	8
Clifford,	104	79	58	45	64	48	30	15	4	0	1	0	87	85	61	43	49	47
Gibson,	88	89	80	64	121	45	36	19	14	5	2	0	100	84	67	62	97	45
Harford,	95	74	62	57	72	61	37	18	18	10	0	0	87	84	76	46	91	64
Brooklyn,	132	119	79	53	90	67	42	29	12	8	1	0	140	136	93	75	100	71
Choconot,	77	70	51	35	62	50	33	12	5	3	0	0	72	68	59	35	54	51
Middletown,	57	63	42	38	60	26	27	20	9	1	0	0	63	57	51	31	45	28
Silver Lake,	50	51	48	40	28	20	21	12	1	2	0	0	49	45	34	34	36	20
Rush,	76	54	42	24	44	37	16	13	8	3	0	1	64	65	51	34	42	33
Springville,	151	149	105	67	107	79	48	32	15	4	1	1	166	122	104	70	113	74
Auburn,	60	55	29	19	36	24	14	8	5	1	0	0	65	50	38	24	37	23
Bridgewater,	250	202	177	114	172	131	79	52	27	13	5	0	243	203	183	131	177	122
Lawsville,	75	74	86	43	63	42	26	18	12	4	0	0	112	71	62	50	65	34
New Milford,	98	88	83	50	79	57	34	18	12	1	1	0	83	94	62	65	55	54
Lenox,	70	50	31	16	40	29	19	12	5	1	2	0	68	47	29	30	28	25
TIOGA.	1688	1469	1131	787	1360	889	531	313	168	63	18	2	1676	1439	1175	933	1234	836
Shippen,	11	9	9	8	17	7	3	2	0	1	0	0	4	13	8	10	10	5
Delmar,	56	45	42	32	42	26	31	17	6	4	0	0	73	40	37	40	46	30
Liberty,	100	84	64	51	58	57	35	31	11	4	1	0	93	84	63	37	91	34
Charleston,	46	46	41	23	37	28	12	9	7	5	0	0	50	41	25	22	41	16
Jackson,	66	50	42	37	56	32	20	12	4	3	0	0	66	53	35	21	39	31
Rutland,	86	62	50	36	51	24	29	10	9	3	0	0	73	59	40	26	54	37
Sullivan,	100	59	31	34	71	48	22	18	7	7	1	0	81	79	52	28	73	51
Richmond,	68	56	37	26	39	45	19	10	7	2	0	0	56	39	38	18	61	31
Covington,	34	25	23	20	29	22	13	8	7	1	0	0	34	28	17	21	20	23
Deerfield,	70	47	35	25	40	39	23	8	11	4	1	0	53	50	41	23	34	32
Brookfield,	44	27	22	17	23	18	9	5	4	1	0	0	38	24	25	9	21	21
Westfield,	55	53	33	30	35	30	18	6	8	2	0	0	49	36	41	35	36	26
Middlebury,	76	48	35	24	47	26	17	8	7	1	0	1	50	41	27	25	44	20
Elkana,	63	42	39	36	61	43	20	8	8	3	1	0	50	50	37	35	49	23
Lawrenceville,	96	80	58	55	71	61	26	20	7	3	0	0	90	58	56	37	80	48
Tioga,	34	39	32	20	31	24	14	7	7	2	0	0	40	31	30	34	25	22
	1025	792	593	472	724	560	315	149	93	43	4	1	880	736	560	410	714	540

\* Townships in this county are not kept separate.



AND TIOGA COUNTIES.—JUNE 1, 1830.

FREE COLORED PERSONS.																Slaves, male. 36 to 55.	TOTAL.	Included in foregoing.				
						MALES.					FEMALES.							Aliens.	Blind.		De'f&D Whites.	
40 to 50.	50 to 60.	60 to 70.	70 to 80.	80 to 90.	90 to 100.	Under 10.	10 to 24.	24 to 36.	36 to 55.	55 to 100.	Under 10.	10 to 24.	24 to 36.	36 to 55.	55 to 100.				White.	Black.		Un. 14. 14 to 25.
32	24	12	5	2	0	0	1	1	0	0	0	1	0	0	0	0	1265	38	0	0	0	0
41	31	13	8	1	1	0	0	0	0	0	0	0	0	0	0	0	1749	12	1	0	0	0
41	26	17	7	4	0	0	0	1	0	0	3	0	1	0	0	0	1281	1	0	0	0	0
33	24	7	6	3	1	0	0	2	0	0	0	0	1	0	0	1	1185	0	1	0	2	2
39	25	7	7	3	0	0	1	0	0	0	0	0	0	0	0	0	1531	0	1	0	0	0
18	11	8	3	0	0	0	1	0	0	0	0	0	0	0	0	0	710	0	1	0	0	0
19	12	3	2	3	0	2	1	1	0	0	3	0	1	0	0	0	545	0	0	0	0	0
54	38	24	16	1	0	1	0	0	0	0	0	0	0	0	0	0	1875	19	0	0	0	0
20	7	2	3	0	0	1	0	0	0	0	0	0	0	0	0	0	506	16	0	0	0	1
31	18	7	2	2	0	0	1	1	0	0	0	0	1	0	0	0	1025	0	0	0	0	0
15	20	6	2	0	0	2	3	1	0	0	5	1	1	1	0	0	649	2	1	0	0	0
73	45	26	10	5	0	0	0	3	0	0	0	0	0	0	0	0	2515	9	5	0	0	1
26	24	9	1	1	1	1	3	0	1	0	0	1	1	0	0	0	1102	2	0	0	0	0
35	20	5	4	0	0	0	0	0	0	0	0	0	0	0	0	0	767	2	0	0	0	0
26	15	17	6	1	0	4	1	0	2	0	5	1	3	0	0	0	1134	1	0	0	0	0
27	17	13	4	0	0	1	3	2	1	0	2	7	1	0	2	0	1167	6	0	0	0	0
498	333	164	81	24	3	12	14	11	4	0	18	10	10	1	2	1	17,741	70	10	0	2	3
8	4	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	341	0	0	0	0	0
12	6	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	641	0	0	0	0	0
15	5	3	0	2	0	0	0	1	0	0	0	0	0	0	0	0	468	0	0	0	0	0
17	14	9	4	2	0	0	0	0	1	0	0	0	0	0	0	0	797	12	2	0	0	0
8	4	6	0	0	0	0	0	1	0	0	0	4	1	0	1	0	415	0	0	0	0	0
4	2	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	298	0	0	0	0	0
27	6	2	2	2	0	3	0	1	0	0	1	0	1	0	1	0	866	10	0	0	0	0
29	17	12	4	1	0	0	0	0	0	0	0	0	0	0	0	0	1081	0	1	0	0	1
21	26	16	3	0	0	1	2	0	1	0	0	3	2	1	0	0	999	0	0	0	0	0
48	20	12	6	0	0	3	1	1	1	2	4	1	4	1	0	0	1350	1	0	1	0	0
23	12	6	0	0	0	0	2	0	0	0	0	0	0	0	0	0	780	56	0	0	0	0
33	21	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	683	41	0	0	3	1
22	11	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	516	72	0	0	0	0
21	9	5	1	0	0	0	0	0	0	0	0	0	0	0	0	0	643	0	0	0	0	0
44	28	17	8	1	0	0	3	0	1	0	0	1	0	1	0	0	1514	1	1	0	0	0
14	7	5	1	0	0	0	1	0	0	0	0	0	0	0	0	0	516	0	0	0	0	0
84	49	21	5	1	0	1	2	0	1	0	2	2	0	1	0	0	2450	25	1	0	0	0
28	18	7	1	0	0	0	0	0	0	0	0	0	0	0	0	0	873	0	1	0	0	0
29	17	14	2	2	1	0	0	1	0	0	0	0	0	0	0	0	1000	3	0	0	0	0
15	5	6	3	0	0	1	1	0	1	0	1	2	0	1	0	0	546	0	0	0	0	0
502	281	151	44	11	1	9	12	5	6	2	9	15	8	5	2	0	16,777	221	6	1	3	2
5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	122	0	0	0	0	0
23	10	7	0	1	0	0	3	3	0	0	1	4	1	2	0	0	622	0	0	0	0	0
33	25	7	1	0	0	1	3	0	1	0	1	3	0	0	1	0	974	21	0	0	0	0
16	5	4	2	0	0	1	0	0	1	0	2	0	1	0	0	0	479	0	0	0	0	0
21	7	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	607	0	0	0	0	0
18	9	5	5	1	0	0	0	0	0	0	0	0	0	0	0	0	687	0	0	0	0	0
19	11	9	2	0	0	0	0	0	0	0	0	0	0	0	0	0	803	0	0	0	0	0
14	4	6	2	1	0	0	0	0	0	0	0	0	0	0	0	0	583	0	1	0	0	0
16	13	6	1	0	0	0	0	0	0	0	0	0	0	0	0	0	361	0	0	0	0	0
17	9	7	1	1	0	0	0	0	0	0	0	0	0	0	0	0	570	0	0	0	0	0
13	1	5	1	0	0	0	0	0	0	0	0	0	0	0	0	0	332	0	0	0	0	0
12	5	5	1	0	0	0	0	0	0	0	0	0	0	0	0	0	494	0	0	0	0	0
9	6	4	1	0	0	3	1	0	0	0	1	2	0	0	0	0	524	0	0	0	0	0
14	12	7	6	0	0	0	0	0	0	0	0	0	0	0	0	0	606	0	0	0	0	0
22	8	10	2	1	0	1	2	2	0	0	3	1	1	1	0	0	900	0	0	0	0	0
11	9	2	5	0	0	0	0	0	0	0	0	0	0	0	0	0	408	0	0	0	0	0
260	114	86	20	5	0	6	9	5	2	0	8	10	3	3	1	0	9,062	21	1	0	0	1



## UNION CANAL.

A description of the plan, and a statement of the cost, of the Union Canal of Pennsylvania.

The Union Canal Company of Pennsylvania connects the Susquehanna at Middletown, nine miles below Harrisburg, with the Schuylkill, three miles above the head of the Girard canal, two miles below Reading, and about fifty-seven miles above Philadelphia.

Its length is 80 miles, exclusive of a navigable feeder on the Swatara, hereafter mentioned.

Its works comprehend a tunnel of 245 yards in length, 18 feet wide, and 14 feet in height, two summit reservoirs, containing 12 millions of cubic feet of water, one of them covering 27, and the other 8 acres; two steam engines of 100 horse power each, and three water wheels for feeding the canal by pumping; two dams, one across the Schuylkill, near Reading, and the other across the Swatara, below Hummelstown; 43 waste weirs; 49 culverts; 135 bridges; 12 small and two large aqueducts: the latter are over the Swatara, one 276 feet, the other 175 in length; two guard locks of wood, 92 locks of cut stone, and 14 miles of protection walls of stone.

The Swatara feeder, which is, in fact, a branch canal, is 24 miles in length, including the great reservoir, formed by a dam 40 feet high, and covering near 1,000 acres of surface, extending the navigation to the basins at Pine Grove. A rail-road of about four miles in length has also been constructed, commencing at the basins in Pine Grove, and extending to the neighborhood of the coal mines, with a rise of about 130 feet.

The works, and especially the numerous aqueducts and locks, have the reputation of being well constructed.

On the eastern division of the Union canal, there are—

37 miles and 61 chains of canal,  
3 42.80 miles of towing path,  
54 locks and two guard locks,  
311 feet of descent.

On the western division—

33 4.80 miles of canal,  
6.80 towing path,  
37 locks to the Pennsylvania canal,  
192½ feet of descent,  
2 locks of wood at Middletown, near the mouth of Swatara; descent 16 feet.

The summit level, which is planked, bottom and sides, is 6 78.80 miles in length.

Width of canal at bottom,	24 feet,
“ “ surface of water,	36 “

Depth,	4 “
Depth of summit level,	5 “
Length of lock chamber,	75 “
Breadth of do	8½ “
Length of boat,	67 “
Breadth, out and out,	8 “ 3 inches,
Greatest width inside the clear,	7 “ 6 “

Burthen from 25 to 30 tons, and will draw three feet water: requires one horse or mule, and the attendance of one man and one boy.

The Swatara feeder is 6½ miles long, 20 feet in width, four miles long, five feet wide, and two feet deep, descent 7 feet.

Feeder from Kentner's reservoir, 1½ miles long, two feet deep, and 4½ feet wide; descent 4 20.100 feet.

The cost of this canal and rail-road has been, exclusive of interest on loans, about two millions of dollars. Its stock consists of 2,500 shares of new, and 738 shares of old stock, at \$200 each, which are now selling in the Philadelphia market at 228 to \$230 for the former, and 185 to 190 for the latter. The company have loans amounting to \$1,430,000, upon which they pay quarterly an interest at the rate of six per cent. per annum.

The tolls of this canal for the two last years, amounted to the following sums: in 1830, \$35,133 82; in 1831,

\$59,137 21; and was derived from the following commodities, viz.

Flour, wheat and rye, whiskey, iron, coal, lumber, shingles, staves, gypsum, fish, salt, merchandise, corn, flaxseed, cloverseed, cotton, tobacco, leather, limestone, butter, lard, hemp, bricks, &c.

The repairs of this canal from the 1st of April, 1828, to January 1, 1831, amounted to \$14,737 40.

Repairs for 1831 alone, \$2,723, which shows that the amount for repairs is fast decreasing.

It has four collectors of tolls, whose salaries amount altogether, to about \$1,250 per annum; 80 lock tenders and engineers at water works, who receive on an average, \$10,223 25 per annum for their services.

The tolls are collected at the following places, viz. Fair Mount, Reading, Lebanon, and Middletown, and some of the lock tenders are allowed to receive tolls from boats passing a short distance on the line.

## RAIL-ROAD FROM NEWCASTLE TO FRENCHTOWN,

*In the State of Delaware.*

The length of the road from the centre of Front street, in Newcastle, to the wharf, on Elk river, at Frenchtown, is 86,910 feet, or 16 46.100 miles.

Note.—The length of a straight line, connecting the eastern and western terminations of the road, is 84,332 feet, or 15 97.100 miles.

This road is composed of 6 curves and 6 straight lines, of which the curves amount to 27,240 feet, or 5 16.100 miles.

And the straight lines amount to 59,670 feet, or 11 3.10 miles.

The radius of the least curve is 10,560 feet, or 2 miles. The deflection on 100 feet of which, is 119.1000 of a foot, or 1 4.10 inches.

The radius of the greatest curve is 20,000 feet, or 3 79.100 miles. The deflection on 100 feet of which, is 0.062 of a foot, or ¾ of an inch.

The road bed is graded 26 feet wide, exclusive of side drains; average width, including drains, about 35 feet.

The whole amount of excavation, exclusive of those drains, is 496,000 cubic yards.

The whole amount of embankment is 423,000 cubic yards.

There are 4 bridges or viaducts, and 29 culverts of stone masonry.

The deepest excavation is 36 3.10 feet.

The highest embankment 23 9.10 feet.

The greatest ascent or descent on the road is 29 feet to a mile. This grade is only for about 7.10 of a mile next to the western termination of the road.

The greatest ascent or descent on any other part of the road, is 16 8.10 feet per mile.

The cost of graduation, including the cutting of drains, filling wharves for landings at New Castle and Frenchtown; and also horse track within the rails, and exclusive of masonry, \$185,000

Or, per mile, about 11,000

The cost of bridges and culverts (materials and workmanship) about 16,000

Or, per mile, nearly 1,000

A single track of rail-road is laid down with seven sidings for turn-outs of 500 feet in length each.

On about 9 miles of the track, the rails are laid upon blocks of granite, containing each about 2 cubic feet, placed at the distance of 3 feet apart from centre to centre, and well bedded on sand or gravel.

The string pieces upon which the iron bars, or rails, are laid, are of Georgia yellow heart pine, 6 inches square, and are fastened to the blocks by cast iron knees, two to each stone.

The iron rails (or bars) are 2½ inches wide, and ½ of an inch thick.



On the remainder of the track, say  $7\frac{1}{2}$  miles, the string pieces and rails of the above description, are supported on wood foundations; the greater portion of which is of the description following, viz.

Hemlock plank, averaging about 10 inches wide and 4 inches thick, are laid lengthwise along the track on both sides, in the bottom, resting on sand or gravel. On this foundation, cross sleepers of white oak, about  $7\frac{1}{2}$  feet long, and eight inches in diameter, are laid 3 feet apart from centre to centre, which are spiked down to the plank. On these sleepers, the string pieces rest, and are secured to them in the usual manner.

The cost of materials and workmanship for the part of the track with stone foundations, per mile,	\$6,300 00
Cost of materials and workmanship for the part of track with wood foundation, per mile,	4,440 00
The total cost of the road, including land, fencing, damages, wharves or landings, expense of engineer department, pay of officers, &c. and exclusive of depots and other buildings not completed,	365,000 00
Or, per mile, about	22,000 00

From Poulson's American Daily Advertiser.

### LEGAL DECISION.

Hyneman, } District court for the city and county of  
vs. } Philadelphia.  
Hyneman. } Judges Barnes, Hallowell and Cox.

This was an application by creditors to stay proceedings upon *fi. fas.* issued upon two judgments, amounting together to about \$7000, confessed to the plaintiff on the 25th of December, 1831, two days before a general assignment by the defendant. On the 31st of December, a rule was obtained upon the plaintiff to show cause why the executions should not be set aside, and a rule to take the depositions of witnesses to be read in evidence.

Upon the return of the rule to shew cause, many long depositions were read on both sides.

The case was argued on the 7th and 8th of March inclusive, by Samuel Brashers and Job R. Tyson, Esqrs. for the creditors in support of the rule, and by Joseph R. Ingersoll and John K. Kane, Esqrs. for the plaintiff against the rule.

The counsel for the creditors contended that an issue to try the validity of these judgments should be awarded, because they were confessed by a son to his father on the eve of an assignment—because the testimony was contradictory, and the court could not decide the question of relative credibility between witnesses—because the evidence established a former partnership between the parties to these judgments, and there was no proof of its dissolution—because the ability of the plaintiff to lend the money for which these judgments were alleged to be given was not satisfactorily shown, but on the contrary his recent insolvency—because the evidence would not authorize judgments *de novo* for those specific amounts—and lastly, because where there is a mere allegation of fraud or collusion, to the prejudice of creditors, an issue is always directed. It was replied, by the counsel for the plaintiff, that the rule should be discharged as the defendant in the judgments was proved to be without means, and could not have commenced business but for the assistance of the plaintiff—that it was distinctly proved that, though lately insolvent, the plaintiff had accumulated considerable sums of money—that witnesses had sworn to the consideration for which these judgments were confessed, and these witnesses were not justly impeached in credit—that the time of confessing and the party by whom they were confessed are immaterial, and cannot affect judgments founded upon consideration—and finally, that the plaintiff should not be deprived of the benefit of

his executions upon vague suspicion and surmise of fraud.

The court held the case under advisement, and on the 27th of April, rule discharged.

From Poulson's Daily Advertiser.

### LAW CASE.

Commonwealth, }  
vs. } MURDER—June 18th, 1832.  
John Moore. }

This case was tried on Monday, the above date, at an adjourned session of the Court of Oyer and Terminer, before Judge King and his associates. The defendant was convicted in April, 1831, of murder in the second degree, but a new trial was granted. The facts were substantially these. In June, 1830, John Moore met the deceased, Richard Simpson, a deputed constable of Moyamensing, and with a stick, which Moore, having but one leg, was accustomed to use, together with his crutch, in walking, he gave the deceased a blow on the forehead over the right eye. The wound bled profusely, and the deceased was, the same day taken to the Pennsylvania Hospital, where, after remaining three days, he died. The blow was sudden, and Simpson at the time having offered no provocation or resistance. He declared immediately after his injury, that Moore had given him his death blow; and with proof of threats on the part of the defendant, to "fix the deceased" if he molested him, as well as passionate expressions of satisfaction after the blow had been struck, this, together with the deceased's intemperate habits, proved by cross-examination, was, in substance, the evidence for the commonwealth. No physician was called by the prosecution to give evidence.

For the defendant, there was some evidence that the deceased, under color of his office, had vexatiously interfered with, and arrested the prisoner, but he mainly rested his case on two different depositions, taken for the first and second trials, of Dr. Thomas E. Wilson of Georgia, at the time one of the resident physicians of the Pennsylvania Hospital. He testified in substance, that from the slowness of the wound, he hesitated whether to admit the deceased into the Hospital, but having been informed by the deceased, and his friend, when the former was brought to the institution, that his habits were those of a sober man, he had administered to him remedies calculated to prevent any inflammation, or the occurrence of any other disease which might possibly arise from his slight wounds. That on the second day, *mania a potu*, with all its attending symptoms, had fully developed itself, which disease continued until he died. That he made a *post mortem* examination, (the details of which were fully given,) at which time the wound was entirely healed, and that he found no inflammation or external or internal injury whatever, to the skull or the brain; and he further gave his opinion, that the deceased died of *mania a potu*, "and from no other cause."

Dr. Thomas Harris, of this city, was called by the defendant's counsel; he fully attested the talents and professional reputation of Dr. Wilson, and, by opinions pertinent to the case in question, corroborated Dr. W.'s evidence. This was the amount of the testimony for the defendant. After full argument of counsel, Judge King charged the Jury on the general features of the case; advertg to the misrepresentation of the deceased's intemperate habits by himself and his friend on their coming to the hospital, as having induced and justified the medical treatment he at first received; that this was to be attributed to the deceased himself and not to the defendant; and that this circumstance, not appearing on the former trial, together with the greater fullness and strength of the testimony of the Physicians, varied the present case more in favor of the defendant, and increased those doubts, which existing on a former occasion, had induced the court to grant him a



new trial. Judge King's charge, throughout, was favorable to the prisoner; and the jury, after a few minutes deliberation, returned a verdict of NOT GUILTY, and the defendant was discharged.

Counsel for the commonwealth, M. W. ASH, Esq. Attorney General. For the defendant, S. RUSH, and H. HELMUTH, Esqrs.

**DIED.**—At his residence in Wayne township, in this county, on the 27th ult. MR. HUGH HEFFERNAN, in the 76th year of his age, a soldier of the revolution. He was a native of Ireland, but emigrated to this state some time previous to the commencement of hostilities; with a bosom fired with the principles of civil liberty, he enrolled his name among that gallant band, whose memory cannot be forgotten, while liberty has a friend on earth. He joined the army at the opening of our struggle for independence, nor did he return his sword to its place, or his bayonet to its scabbard, until victory had crowned his toils, his dangers, his scars and bleeding wounds with success, in the capture of Lord Cornwallis. During that protracted contest, he was in five general actions, one siege and two storms, viz: Stony Point and Pigeon Hill. At Stony Point, he was one who composed the forlorn hope; besides many, very many sharp and severe rencontres, where danger and death, was spread around with unsparing hand. His numerous scars and wounds, bore ample and indubitable evidence, that he had often been where none but the brave dare venture. In the private walks of civil life, he was esteemed as an honest man, and like a shock of corn in its season, he has been gathered home to the house appointed for all living, old and full of days, and grass to wave over the spot where he has his friends along with his sorrows forgot.—*Crawf. Messen.*

**DIED.**—In the 80th year of his age, at his residence in Reading, on Sunday evening last, General JOSEPH HESTER, late governor of the commonwealth of Pennsylvania.

The deceased, is one of the heroes of the revolutionary war, entered the army that achieved the Independence of our country, at an early period of his life. He was engaged in the battle of Long Island; was among the captured of that day so disastrous to the American arms, and subsequently confined on board the prison ship Jersey. After his exchange had been effected, with a gallant spirit unsubdued in the glorious cause of his country, again entered the army and was engaged in the battle of Germantown and Brandywine. When the independence of the country from the galling thralldom of British tyranny and oppression had been established by the heroes of those "times that tried men's souls," he served many years in the Legislature of his native state: And for a long period subsequently, with the almost unanimous voice of his fellow citizens of his district, served his country in the Legislature of the Union, with a zeal in common weal of his country, unsurpassed by that of any of his contemporaries, who conjointly had been clothed with the important and highly responsible powers of that dignified station. In private life, the deceased was a kind and tender husband, an affectionate and indulgent parent, a good, charitable and hospitable neighbor, and a warm and zealous friend.—*Reading Journal.*

In answer to the inquiries some time since made in the RECORD, of the right time to cut timber, to have it durable, we are authorized by Jesse McCall, Esq. of West Goshen, to state that black oak rails, are now in use on this place, which were cut in the month of June, 1801; the posts were of Chestnut, but at the same time, some few of which were in use the present spring; and these facts seem clearly to convey the idea, that black oak rails should be cut in the month of June, to insure their durability. The curious may examine them, by calling on Esq. McCall.—*West. Chest. Rec.*

## THE REGISTER.

JUNE 23, 1832.

During the past week, the news of the cholera existing in Quebec, &c. reached the city, and has occasioned much excitement, which has led to the adoption of "sanitary measures," by the board of Health, city Councils, and district corporations; some of whose proceedings will be found in the present number. So far as human exertions will prevent the introduction and extensive prevalence of this dreadful disease, measures appear to have been adopted—in promoting cleanliness, and in the preparation of asylums for those afflicted with the malady, should it visit us. So far as alarm is necessary to produce this effect, it is well; but it is questionable how far it is proper, to terrify the inhabitants, by injudicious publications, calculated to produce a state of mind, pre-disposing the body to the attacks of disease, should it unfortunately gain admission amongst us.

In our present number, will be found an interesting article on Butler county, written by an intelligent gentleman of that county, for another purpose, and communicated to us by a friend. Our columns have always been open to topographical descriptions of the different sections of the state—and we have frequently invited communications of this kind—and all our volumes contain more or less of them. But we regret to observe so little disposition on the part of men of leisure and intelligence in the interior, to furnish information respecting the neighborhoods in which they reside; which, though not perhaps deemed important to themselves, is still much desired by those at a distance, who can only in this way become well informed of the real condition of the state—and who may have an opportunity of using it to the advantage of the writers themselves, and their neighbors, by directing the course of emigrants, who are now flocking to our shores, to those parts of the state where their settlement is most needed, and will be of most utility.

Mina, whose name has become familiar throughout the United States, as the murderer of Mr. Chapman, was executed agreeably to his sentence, on Thursday, the 21st instant, at Doylestown. The concourse of spectators, as usual on such occasions, was immense.

We are indebted to two gentlemen at Washington, for copies of a document laid before congress by the committee on internal improvements, containing valuable information in relation to steam carriages, rail-roads, and canals. From this we have derived the summaries in the present number, respecting the Union canal, and the New Castle and Frenchtown rail-road.

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# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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From the United States Gazette.

## SKETCHES IN SCHUYLKILL COUNTY.

Extract of a Letter from the Mountains.

PORT CARBON, SCHUYLKILL COUNTY, }  
June, 1832. }

Well, my friend,—here I find myself at last, in the very heart of the coal region,—up on the mountains, literally enjoying the pure gratifications so often promised to myself, and so often deferred. And, after looking round for a while, and breathing this wholesome air and drinking copiously of the peerless water which rushes down the mountain side at every step, I retire to keep my word with you. But, to tell you the truth, I feel that every minute spent thus is a privation of the glories which tempt me rather to be without doors, so I must be excused if I tell you some things which you know already, and give you a long story, for I am in too much of a hurry to deliberate or be brief.

To make the beginning of my journey the beginning of my story, will, perhaps, be the best order for my narrative. Our first day's ride was to Reading—coaches, teams, and drivers above all exception. The beauties of this part of the country generally, and especially after you mount the western bank of the Perkiomen, and the unrivalled charms of this town, shall not be dwelt upon, for what cit has not been as far as Reading?

On the next morning, after comfortable entertainment at Herr's inn, we were on the road again, the scenery becoming more and more romantic until we reached *Port Clinton*, at the confluence of the Schuylkill and Little Schuylkill or Tamaqua. This is the first of the great works as you ascend to the mountains. The dams, locks, basins, &c. appear to be in the best style of workmanship, durable and imposing. The supply will be from extensive mines of excellent coal up the Tamaqua, to which a rail-road is already laid to a distance of some twenty-two miles. A second line of rail-way, which seems to be indispensable to a large operation, remains to be accomplished; when this is done, Port Clinton must thrive rapidly. Its friends claim an advantage in its being so much nearer to the city, and its exports being therefore liable to much less canal toll than those of places more remote. But then it is answered, the principal mines are farther from this port than from most others,—greater rail-way tolls are therefore to be paid. Perhaps these matters will be about equivalent, and, whether or not, it seems idle to dispute about COMPARATIVE advantages between positions, each of which has POSITIVE advantages enough to ensure its prosperity.

From Port Clinton we go onward through Orwigsburg, the county town of Schuylkill, well built and respectable, until we reach Schuylkill Haven, on the bank of the river. Here is an admirable weigh lock, to ascertain the tonnage of the boats; it is a very simple and beautiful contrivance, requiring not more than ten or fifteen minutes for a boat of any tonnage. The other works are built of the most durable materials, and in the

best manner, no expense being spared for what is useful, and nothing wasted in mere ornament.

Schuylkill Haven is fed by a rail-way, double line, which runs up the banks of the West Branch river, often crossing and re-crossing it upon well constructed viaducts (like a giant striding his prostrate adversary, who may fret and foam, but cannot rise to harm him) by Minersville, some twelve or fourteen miles, as far as the Broad Mountain. The mines begin as you ascend from the Haven, if ascent it may be called; as soon as you pass through the Red-shell tract, then you see at small intervals diverging rail-ways to the right and to the left communicating with the numerous collieries already opened, and the principal one passing up the valley of the West-west Branch. At Minersville, the mine of F. B. Nichols, Esq., particularly attracts attention; it is opened into the mountain but a small distance from the rail-road, and the coal may be almost said to be delivered from its mouth into a large chute, from whence it is passed directly into the cars. This is, however, by no means a rare convenience. Passing still upward, and by the excellent mines of Mr. Dundas and many others, and numberless latent rail-ways, you come to Messrs. Eldridge and Brick's fine mine on the Broad Mountain, the coal of which is said to be harder than that of some others, and for that reason is sometimes preferred. These mines all appear to be in full and profitable operation—of this we have had evidence in the numerous trains of cars, five in a string, carrying twelve and a half tons, which we met on our way up, and overtook on our way down to the Haven. These were drawn, or rather accompanied by a single horse, for their traces are seldom tight.

The whole of this work, the rail-way, is in the first order of perfection, and does infinite credit to the skill of the engineer, Dr. Kugler, and to the spirit of the company. Nothing is to be desired but the iron rails, and when the company finds it convenient to substitute them, the work will be found perfectly prepared for their reception. Every thing has been done in the most substantial manner; and we heard with pleasure that the increase of the transportation, and a small addition to the toll, must quickly extricate the company from its debts, and reward the stockholders with handsome dividends.

From Minersville you may cross over a mountainous, but good road, directly to Pottsville—distance, say four miles, or by Schuylkill Haven, and then along the turnpike, eleven or twelve miles, and now we are at Pottsville and Mount Carbon, for these are one. Our surprise at the view of this extensive inland city just started into being, like the mountain from the ocean, is indescribable. Its splendid and costly hotels, taverns and public edifices, elegant and convenient dwellings, extensive shops and stores—all these make it difficult to give credit to the representations of what this place was some four or five years ago. You must see Pottsville, and compare what you see with what you hear, to judge of its growth. Doubtless this has been somewhat disproportioned, and perhaps premature. Pottsville, as a town, displays the same physical precocity which is said to characterize the minds of our youth. But it will soon gain strength proportioned to its size.

If it is to be lamented that the town has not gone



forward more slowly,—keeping pace with the actual increase of business and accumulation of wealth; still some excuse is to be found in the abrupt opening of such a scene of enterprise and adventure, perhaps without a parallel—and unavoidably tending to invite and encourage a spirit of reckless and thoughtless speculation. It might have been expected that a purgation would follow—that things would settle down at last into a more reasonable condition. This has proved to be the case. Still you see very few houses untenanted, and Pottsville is now again starting on the course of great prosperity, with an exchequer full of experience. The population consists generally of men of business, who calculate upon gaining a livelihood, less by their wits than by their works,—industrious, well-informed, intelligent, and even acute, generally temperate, certainly not less so than we find that of other similar towns. Here we met faces, and shook hands with young and old, whom we had missed for years, and now found fully occupied with respectable and profitable employment, as principals or agents. These meetings were occasions of reciprocal delight. They were like those with lost friends found in a land of promise.

The mines about the towns are hard to be numbered. But besides these, there are those of the Little and Big Norwegian Creeks—with excellent rail-ways, by which the mineral is poured from exhaustless stores into the lap of Pottsville. This beautiful town is of itself worthy of a journey ten times as long, even if it were less pleasant. I leave it here, as I did yesterday, when I left Col. Shoemaker's excellent inn, not without regret. But, if it were possible to say all I have to say about it, I would not,—some things must be left for you to see—and to wait until then to be known by you.

Thence we go to Port Carbon, distance  $1\frac{1}{2}$  to 2 miles, over an excellent road, which brings you suddenly to a fine view of the site of this junior town. Like the elder sister, it lies in a basin, rising as you recede from the river, upon a hill, forming an amphitheatre. It stands at the confluence of Mill Creek and the Schuylkill, occupying both banks of each, and at the head of the navigation of the latter, which suddenly terminates here, but with a full depth of water.

The prosperity of Port Carbon is already secured, by an extensive (ten miles) double rail-way,—leading along the river, sometimes in its very bed,—and often crossing it—already as far as the Tuscarora Mountain, where passing by numerous other mines and lateral ways, you come to the valuable mines of Messrs. Blight, Wallace and Co., Lawton and others. A company is chartered to tunnel the mountain, and make a direct communication with the rail-road to Port Clinton. But the cost! It is perhaps too great to be encountered now,—nor is it at all necessary to Port Carbon. She has enough to employ her fully, and for centuries, in her immediate vicinity. From Tuscarora, Mauch Chunk may be seen, and there is a good road thither; with a line of stages passing daily each way.

The Schuylkill valley abounds with the finest timber, affording employment to numerous saw-mills, whence the lumber is transported on the rail-ways to the port, and so to a profitable market down the canal. It is remarkable, that before reaching Tuscarora, we see the river Schuylkill disemboguing its whole volume of water through a wooden box, not more than two feet square, and so feeding a single saw-mill. Such is the humble beginning of this majestic stream,—and what a lesson does it afford to men, individually and collectively! Port Carbon seems to have taken the wisdom of the moral, and, profiting too, by the experience of her neighbor, is making a slower beginning; but these must lead, with economy and industry, perseverance and constancy, to the sure accomplishment of great ends.

Down the valley, as it is called, we come again to the port, and may take a fresh departure up the Mill Creek. This is a powerful, full, unfailing stream, and might well challenge the title of the river—affording

endless water powers, to which forests of the finest timber are already bending their lofty heads. Its valleys too are said to be unusually fertile, affording the best pasturage, and its hills excellent arable, while the mountains give fine ranges for black cattle, sheep, swine, &c. Here are to be the fine farms which are to reward richly the toil of the husbandman, and to feed the mouths of the surrounding inhabitants with the fatness of the land. But the coal,—that is now every thing. The ploughman has been tempted to leave his proper occupation by the prospect of sudden gain; but he will return more and more as he finds that he takes his tithe of profit from every ton of coal that is raised, by feeding the miner, not less surely than if he himself were working in the drift.

Up the creek and at a small distance, you begin with the invaluable mines of Col. Wetherill and others, yielding the mineral of a quality certainly, to say the least of it, not inferior to any. A double rail-way conducts it towards the port, near which it ends with numberless branches, like the mouths of the Nile, to the basins and landings of the numerous proprietors, where the coal is passed into large chutes, and thence, being by a simple contrivance screened in its descent, it goes into the boats waiting for their cargoes.

The town already contains a goodly number of well built, comfortable dwellings, and one especially, that of Mr. Lawton, is remarkably tasteful. The splendid store-house, of stone, built by Col Wetherill, would be an object of interest and admiration any where. Not a few of the inhabitants have had and improved the advantages of the best education; others too are intelligent, well-informed in matters of business, and of kind tempers, all forming what may lay fair claim to the appellation of a good society—with the more common, but not less valuable qualities of industry and integrity.

You have heard of late wicked attempts to fire this town, and it is surprising that no detection has yet been made of the perpetrators. It may be delayed, but it can hardly fail to come at last. In the meanwhile inquiries are zealously prosecuted, and measures taken to prevent a repetition of these cruel crimes.

A commodious bridge has just now been thrown across Mill Creek at the expense of Col. Wetherill, which shortens the communication between parts of the town; and it is contemplated to make other improvements which will open and beautify the whole scite, and must make Port Carbon as charming to the eye as it is destined to be prosperous.

But there is yet another improvement in the way of immediate execution, of vast importance indeed. Look at the map and you will observe the circuitous route now travelled from Port Carbon round to the bend of the river to Pottsville, and thence sweeping in a semi-circle to Orwigsburg. Instead of this roundabout, a bridge is to be thrown across the river at Port Carbon, and a road opened over the Sharp Mountain and then continued in nearly a straight line to Orwigsburg. This will reduce the travel nearly one half between the two towns,—and this road will be the most direct from the latter place to Pottsville, and must soon become the great stage road and main high-way to the north, east, and west. It is unnecessary to dwell on the benefits which Port Carbon must receive from the change.

The water of this town surpasses all that I have ever met with or heard of in abundance and purity, and this is I believe an unerring indication of the salubrity of its vicinity. Certainly it is so with regard to Port Carbon. There are some diseases which are incidental to all new settlements, but they vary much in their degree and effects at different places. I believe there is but one doctor here (not one whole lawyer!) and the only patient I have heard of his having since I came, is in a line of practice indicative of the opposite of unhealthfulness, and affording employment in the city, as I am told, only to a very few of the profession, while for some diseases there is a doctor or an apothecary at every corner. In



short this is the very place for our worthy friend —, who, you know, after an enjoyment for so many years of the other matrimonial delights, still grieves with his sweet partner at one sad disappointment. Advise them to hasten to this port without delay and by all means. "Who Knows?" as old Christopher Ludwig said to General Washington and his lady; and how it would delight our patriotic friend to contribute to this race of mountaineers, whose chubby, rosy little faces show that they spring up here like indigenous plants, not exotics,—and that they are to be the precursors of generations which will be distinguished by bodily vigour and manly proportion.

There are several other matters which I wish yet to dwell on, and they are important to men who, like you, have committed the folly of getting such a host of young ones about you. Here is the proper scene of action for such of your boys as have the virtue and magnanimity to enter upon large and elevating pursuits,—to manage well—to conduct affairs requiring constant care and skill—and, upon a wide scale, to despise effeminacy, town pleasures, and all its seductions—and to stand, with the erectness of real manhood, self-dependent, and with some of the firmness of the enduring mountains which will encircle them. Here too, on every side, are to be seen the magnificent works of nature, to which the arts and devices of man seem as nothing, which cannot fail, rightly regarded, to raise the youthful mind above the mere pursuits of sordid gain, to intellectual and moral excellence, from "nature up to nature's God," and impress it deeply and lastingly with true, unostentatious and reverential piety, and all the social Christian virtues, with which this is associated, faith the guide, and practical goodness the path of action. And, after a just estimate of things temporal and

#### COMMUNICATION WITH LAKE ERIE.

The rapid increase of emigration to the west, and consequently of business upon the lakes, particularly lake Erie, has for some time seemed to demand an increase of steamboat facilities. Although we have now a daily line from Buffalo to Detroit, and another connecting Buffalo with this place, by means of stages from here to Portland Harbor, besides upwards of one hundred other vessels plying constantly upon the lake, yet many inconvenient delays of passengers and goods at Buffalo, are occasioned; and even in most cases, where passengers do embark to go up the lake, the boats are so heavily laden that the voyage is a very unpleasant one. While at Buffalo, a few weeks since, we learned from personal observation, and information from those competent to judge, that from five to ten hundred persons left that city daily, bound westward; the average was computed at over seven hundred. Add to this the immense amount of baggage, merchandise, furniture, &c. that is transported on the lake; it is very evident that another daily line of steam boats can do a profitable business; and we are happy to learn that preparations are already making for that purpose. Arrangements have been made and the work commenced, for building four new boats—two at Erie, one at Cleveland, and one at Huron; each of them to be larger and worked with more power than any boat now on the lake. They are to form an evening line from Buffalo and Detroit, touching only at this place, Cleveland, and Grand river. Two small steamboats have already been put in operation at this place, this season; one designed principally, for conveying passengers and baggage between this shore and the piers, where the line boats now usually stop. The other is intended as a packet to run on the St. Joseph river. The latter left here on Thursday last, bound for Chicago, with passengers and goods, whence she will return and commence her regular trips.

We understand it is in contemplation to establish a

regular line to Chicago. There is little doubt that such a one will become absolutely necessary in a very short time; and from what we can learn, it appears not improbable that should one be started immediately, the present business and travel, with the consequent increase that would follow, would amply remunerate any individuals who would engage in the enterprise.

*Erie Gazette.*

#### Congressional Districts, as fixed at the extra session of the Legislature.

The following are the districts, with the population of each:

Districts.	Rep's.	Pop.
1. That part of the county of Philadelphia, south of the city, together with Penn township, Bristol, Germantown, and Roxborough,	1	45,214
2. City of Philadelphia,	2	80,462
3. North part of Philadelphia county,	1	63,091
4. Delaware, Chester, and Lancaster,	3	144,864
5. Montgomery,	1	39,406
6. Bucks,	1	47,745
7. Northampton, Pike, and Wayne,	1	51,988
8. Schuylkill and Lehigh,	1	43,000
9. Berks,	1	53,152
10. Dauphin and Lebanon,	1	45,820
11. York,	1	43,658
12. Adams and Franklin,	1	56,416
13. Cumberland, Perry, and Juniata,	1	52,542
14. Mifflin, Huntingdon, and Centre,	1	58,555
15. Columbia and Luzerne,	1	47,438
16. Union, North'd, and Lycoming,	1	56,595
17. Susque'a, Bradford, and Tioga, Potter and M'Kean,	1	48,215
18. Bedford, Somerset, and Cambria,	1	49,349
19. Westmoreland and Indiana,	1	52,652
20. Fayette and Greene,	1	47,200
21. Washington,	1	42,784
22. Allegheny,	1	50,552
23. Clearfield, Jefferson, Armstrong, and Butler,	1	39,110
24. Beaver and Mercer,	1	43,912
25. Crawford, Erie, Warren, and Venango,	1	47,138

READING, June 23.

The ceremony of laying the corner-stone of the new German Reformed Church, in progress of being erected upon the site of the old, was performed on Sunday last in the presence of a crowded auditory. The deposits in the cavity were as follows:

The Holy Bible and Hymn Book; the ancient plate, of which we gave a description some time ago; a new plate bearing the records of the event; a medal struck in commemoration of the centennial anniversary of the birth of Washington, and a number of silver and copper coins of the coinage of the mint of the United States. We are pleased to state that the collections taken up were liberal.

**PACKET BOAT.**—Mr. Lecch's new packet boat **DR. LEHMAN**, runs regularly between Huntingdon and Harrisburg. She performed two full trips last week, and the distance from Huntingdon to Harrisburg being 105 miles, of course she travelled 420 miles in one week. The boat is well finished, handsomely furnished; and the accommodations on board good. There will soon be a daily line of packet boats running between Philadelphia and Huntingdon each way.

Drs. S. Jackson, R. Harlan, and C. D. Meigs, were on Friday last, appointed by the Sanitary Board of this city, to visit the Canadian cities. These gentlemen left town for the north on Saturday.



CENSUS OF WASHINGTON, UNION, AND

NAMES OF Towns, Boroughs and Townships, IN WASHINGTON.	WHITE PERSONS.																		
	MALES.													FEMALES.					
	Under 5.	5 to 10.	10 to 15.	15 to 20.	20 to 30.	30 to 40.	40 to 50.	50 to 60.	60 to 70.	70 to 80.	80 to 90.	90 to 100.	100, &c.	Under 5.	5 to 10.	10 to 15.	15 to 20.	20 to 30.	30 to 40.
East Bethlehem,	249	185	159	157	218	116	84	60	31	16	3	2	0	23	208	149	161	229	122
West Bethle'm,	201	165	147	108	166	102	61	41	28	19	9	0	0	159	150	137	133	178	96
Somerset,	143	114	91	75	146	70	55	40	19	14	6	0	0	119	121	108	96	160	64
Morris,	204	154	149	95	150	92	71	39	23	17	6	1	0	194	171	136	130	174	98
Amwell,	160	121	107	108	155	67	56	38	18	18	6	1	0	164	121	105	116	156	77
Fallowfield,	226	188	146	108	166	95	74	41	19	8	5	2	0	181	139	134	121	177	100
Nottingham,	214	158	127	116	194	105	64	46	24	13	8	0	0	187	142	118	135	186	110
Peters,	98	87	67	58	104	57	47	31	16	6	2	0	0	87	90	76	74	121	57
Strabane,	232	175	149	134	178	132	89	69	35	29	7	0	0	208	190	158	160	213	138
Canton,	96	96	67	68	125	63	40	31	24	6	9	0	0	79	81	58	80	116	67
Washing'n boro'	136	118	107	126	138	90	59	38	18	5	4	0	0	110	118	123	108	150	91
Pike Run,	227	170	107	82	159	103	66	45	25	11	6	1	0	191	153	138	108	169	91
Cannons'g boro'	43	32	39	114	109	30	14	10	3	5	0	0	1	102	18	25	40	48	27
Cecil,	80	80	69	50	102	60	39	21	9	6	3	1	4	60	80	73	82	87	63
Chartiers,	156	124	107	70	105	88	61	24	16	8	7	2	0	113	117	98	104	117	96
Mount Pleasant,	106	92	95	82	109	59	62	22	16	9	4	0	2	113	97	79	83	114	68
Robinson,	85	76	70	42	84	49	37	22	19	7	3	0	1	68	58	49	59	70	36
Smith,	210	143	127	110	169	116	74	42	23	16	9	0	0	149	177	138	134	139	125
Middleto'n boro'	25	20	17	36	33	18	6	4	3	3	0	0	0	24	18	14	16	22	20
Hopewell,	150	145	115	99	171	101	59	36	24	18	6	3	0	111	136	135	123	153	99
Donagal,	182	159	134	132	166	111	64	38	27	14	2	2	2	150	166	138	133	157	112
Buffalo,	144	113	102	81	112	70	45	19	12	6	4	0	0	95	113	109	82	113	78
Hanover,	106	132	112	77	126	53	65	43	28	8	2	0	0	154	108	91	77	135	77
Cross creek,	160	144	136	115	200	110	76	45	33	24	8	0	0	162	157	133	129	187	121
East Findlay,	119	105	92	61	98	60	43	23	13	13	4	0	0	101	81	80	70	106	58
West Findlay,	116	115	95	54	69	53	46	23	17	7	2	0	0	101	105	92	56	90	75
UNION.	3869	3221	2733	2338	3552	2070	1455	918	530	312	127	19	10	3413	3115	2692	2610	3565	2186
Whitedeer,	127	112	84	61	94	76	39	32	14	10	0	1	0	116	115	91	77	83	75
Kelley,	59	53	50	29	59	43	23	17	6	7	2	0	0	73	56	52	48	65	39
Mifflinburg,	54	37	33	42	72	40	16	13	8	5	0	0	0	59	46	42	38	16	21
West Buffaloe,	140	119	103	66	114	63	41	29	25	10	2	0	0	117	95	91	75	132	70
Hartleton,	157	131	126	88	143	84	61	42	21	9	0	0	0	162	139	125	110	125	76
Washington,	96	87	70	75	89	53	34	25	15	4	2	0	0	103	81	78	71	87	47
Perry,	112	78	72	62	78	53	27	22	14	4	2	0	0	109	72	68	52	90	63
Chapman,	112	87	82	67	69	55	38	13	13	10	1	0	0	116	69	68	65	89	52
Lewisbu'g boro'	58	70	62	62	109	54	28	23	5	4	0	0	0	81	70	51	51	89	42
Buffaloe,	195	164	153	123	174	103	83	40	31	9	4	1	0	181	157	142	142	165	95
Centre,	192	147	130	103	183	109	53	43	20	6	1	0	0	201	140	124	109	169	104
Beaver,	240	204	168	111	169	114	71	45	28	11	0	0	0	207	193	152	126	174	109
Union,	201	171	147	133	151	104	66	42	23	13	3	0	0	180	158	139	129	172	104
Penns,	200	177	180	139	199	123	78	49	27	7	0	0	0	182	156	183	139	187	115
VENANGO.	1943	1647	1460	1161	1702	1094	658	435	255	109	17	4	0	1887	1547	1306	1233	1683	1012
Franklin boro'	46	32	28	17	52	34	12	7	4	0	0	0	0	32	27	14	15	42	22
French creek,	108	83	58	57	103	58	32	26	21	6	1	0	0	98	88	55	50	100	47
Irwin,	73	58	47	37	67	29	13	23	10	6	0	1	0	64	53	50	37	57	30
Scrubgrass,	89	58	42	51	87	58	21	18	8	4	1	1	0	59	55	53	49	76	27
Sugar Creek,	45	24	96	82	81	74	53	24	8	3	4	0	0	111	84	91	62	74	61
Plum,	51	33	24	17	41	27	13	11	5	1	1	0	0	49	45	26	20	36	16
Cherrytree,	43	34	28	19	42	16	11	6	3	4	0	0	0	22	23	32	31	37	16
Allegheny,	54	52	44	33	70	23	23	21	2	2	3	0	0	55	53	24	24	45	22
Fionasta,	44	37	27	32	59	22	19	13	4	0	2	0	0	53	32	25	26	29	18
Richland,	87	66	43	34	46	40	30	6	8	2	2	0	0	71	48	48	35	49	41
Beaver,	49	36	32	25	32	20	20	15	4	3	0	0	0	44	31	29	28	33	23
Elk,	62	44	30	23	54	33	19	16	7	2	0	0	0	59	56	36	31	44	24
Pine Grove,	19	17	16	14	17	11	9	7	2	0	0	0	0	16	18	10	12	18	6
Farmington,	18	19	11	8	18	12	14	0	1	1	0	0	0	27	14	14	8	16	8
Paint,	17	22	13	22	40	30	5	7	4	0	1	0	0	34	19	10	18	13	17
Rockland,	76	71	53	36	55	40	43	11	5	2	0	0	0	75	66	50	34	61	48
	881	686	592	507	864	527	337	211	101	36	15	2	0	869	712	567	480	730	426



[illegible]



From the National Gazette.

The following correspondence, which not long since came into my possession, was found among the papers of Robert Morris, the distinguished financier of the American revolution. The sentiments of the writers manifest the mutual respect which they entertained towards each other, and moreover show the character and doings of the honourable and influential Quakers of that period. These documents are curious and valuable in a historical point of view; and on that account may be worthy of publication and preservation.

R. V.

PHILADELPHIA, 23d July, 1781.

Gentlemen,—The office which I have the honour to hold, calls for particular attention to those who are driven from the Southern States, and cast upon the compassion of their fellow-creatures. The public funds are not sufficiently abundant to answer the calls of humanity, over and above the purposes to which they are appropriated. I have it therefore in contemplation to institute a lottery, making thereby a joint appeal to interest and pity. But, as the members of your society are not inclined to lotteries, I cannot expect that they will become adventurers; though they certainly will not omit to seize an occasion for exercising those mild and benevolent principles by which they are actuated.

I take the liberty to propose, that a subscription be opened among those of your persuasion, for a loan, at six per cent. interest, to the United States; and that the produce thereof be applied for the relief of our suffering brethren above mentioned. I will pledge myself to you, that none of the monies so obtained shall, on any pretence, be diverted from that benevolent purpose. I do not mention a gift, because the object is so large that it would be too heavy a tax even for the whole community, much less for any particular part of it. Besides that many individuals, who are now to derive support from it, will hereafter be in capacity to repay; and, in all human probability, the Southern States will soon be enabled to refund such sums as may have been advanced to the poorer citizens.

I should deem it inexcusable, on such an occasion as this, to hint at political considerations. But, for my own sake, I must observe that I do not mean to draw on you any odium, in case you should decline a compliance with my wishes. This letter therefore is secret, as long as you may choose that it should remain so; and you will communicate it to such persons only as you may think proper. It is directed to you from my opinion of your integrity and good dispositions towards your fellow creatures. Should my proposal be adopted, I will submit to your consideration, whether an application to me on the subject would not be the proper method of originating the plan, without taking notice of this letter.

I am your sincere friend and humble servant,  
ROBERT MORRIS.

To Messrs. Hugh Roberts, John Reynolds, James Pemberton, John Pemberton, Samuel Emlen, Owen Jones, Nicholas Waln, and such others of the people called Quakers as they shall choose to communicate this letter to.

REPLY.

PHILADELPHIA, 7 mo. 28, 1781.

Esteemed Friend—The subject matter of thy letter of the 23d inst. has been considered by those to whom it is directed, and some others of our brethren, who unite in judgment with us that it is weighty and affecting.

The charitable sentiments kindly expressed concerning us, we trust are not groundless, there having been in years past divers occasions on which our religious society, affected with the sufferings of our fellow creatures, have, without regard to the distinctions of religious professions, manifested their benevolence; and at one me-

morable time to the citizens of Charleston, South Carolina; so also to the inhabitants on our frontiers, in the late Indian war, for whose relief a considerable sum of money was raised and distributed among them. And in the early commencement of these days of sorrowful calamity, a considerable contribution was likewise made among us for the people of New England, which was sent from hence, and committed to the care of some of our brethren in that country, who with diligence and fatigue, in the midst of a cold winter, sought out the really indigent and distressed of all denominations, and handed them some seasonable relief.

The same benevolent principles we hope will continue to actuate us on future necessary occasions, with the same precaution we have ever observed in support of our testimony against war and any thing tending to promote it. But the circumstances of the members of our society are of late greatly changed, and their capacity for the exercise of benevolence much diminished, not only through the general calamity prevailing, but most particularly by the very oppressive laws which have been enacted in Pennsylvania, and the oppressive manner in which they have been frequently executed to the impoverishment of many innocent and industrious inhabitants; so that there are divers instances of many families in the city and country, who are already nearly stripped of their substance. Thus the poor of our Society are greatly increased, and as we conceive it to be our duty, so it has always been our practice not to leave our needy brethren to the relief of others. The state also of our friends in the Carolinas who we apprehend are reduced to great straits, hath lately claimed our particular attention, and we have sent them something considerable as a relief. There are few amongst us who have been engaged in trade and business for several years past, and many have been obliged to borrow money for the support of their families through the difficulty of collecting their debts, and unjust advantages taken by some in the payment of them. And on consideration of thy requisition for sending a sum of money, we are united in judgment that we cannot comply with it.

We do not mention these things with a view to damp or extinguish that spirit of sympathy and compassion which humanity dictates, and piety requires, but wish it to prevail among mankind in general.

We are thy respectful friends,

JOHN REYNOLDS,  
HUGH ROBERTS,  
OWEN JONES,  
JAMES PEMBERTON,  
JOHN PEMBERTON,  
SAMUEL EMLEN, Jr.  
NICHOLAS WALN.

To ROBERT MORRIS, Esquire.

#### LAW CASE.

*In the Circuit Court of the United States, held at Philadelphia, April Session, 1832.*

The United States of America, vs. Twenty-three coils of Cordage, &c. found on board the ship Eliza.

This was an information filed on behalf of the United States, against twenty-three coils of cordage remaining on board the Eliza, from Cronstadt, after her cargo was discharged. They were alleged to be *sea-stores*, within the meaning of the revenue laws, and as such, liable to forfeiture, unless reported in the manifest, as all remaining sea-stores are required to be.

It was contended by the District Attorney that the cordage having been put on board, for the use of the vessel, was therefore *sea-stores* for that purpose. That, not having been used on the voyage, it was not part of her tackle or furniture; and not being entered on her arrival as merchandize, it remained on board as sea-stores, and should therefore be included in the report



required by law, of "remaining sea-stores." That the collection act of 1799 was meant to embrace all articles on board of a vessel, at her arrival, not attached to her, which *might* be liable to duty; and that therefore they should be reported, in order that the revenue officers might ascertain whether, as sea-stores, articles of domestic growth, or otherwise, they were included among those exempted by law from payment of duty; and that if it was desired to land them, a regular permit might be obtained therefor.

On the part of the claimant, it was urged that this cordage was neither merchandize nor sea-stores; that having been purchased *bona fide* for the vessel, it was not the former, and that the latter phrase, as used in the law, applied only to "vessel and cabin stores." That in fact this was part of the tackle, or equipment of the vessel, and as such, there was no part of the act of Congress which required it to be reported, nor had it been the usage so to do. There was nothing making it illegal in the owner of a vessel to lay in such quantity as he might deem necessary for her supplies.

The case was argued in the District Court by Mr. Gilpin on the part of the United States, and by Messrs. Smith and Chauncey for the claimant.

A decree was made by judge Hopkinson in favor of the claimant, and it now came before the Circuit Court on an appeal by the District Attorney from that decree.

Judge Baldwin delivered the following opinion:

These articles were brought into this port in the ship *Eliza*, from Cronstadt, and not reported by the master in the manifest; they were found on board after it was made out, and seized as forfeited under the 45th section of the revenue laws, as sea-stores not specified in the entry. This is the only ground of forfeiture alleged in the information. The case therefore presents the single question, whether these articles are sea stores within the meaning of this section of the act of Congress, not being alleged to be a part of the cargo or merchandize belonging, or consigned to the master, officers or crew.

This law does not define and designate what was to be considered as sea-stores, as distinguished from articles composing a part of the tackle, apparel, or furniture of the ship, or such as may be necessary or usual to have on board for the purpose of repairs and emergencies during the voyage, parts of which remain on hand at its termination. In directing the form of the manifest and the articles to be enumerated, the law mentions, among others, "the remaining sea-stores, if any." The head under which they are to be entered in the manifest, is "vessel and cabin stores." (1 Story, p. 593, 4. Sect. 23.) In the 45th section prescribing the forfeiture, they are named as "sea stores" generally, *Id.* 612. If we were to decide on the meaning of these words in a charter party, or a policy of insurance, instruments difficult of construction by the rules of the common law, on account of their informality and the use of words and expression unknown to, and undefined by legal principles, we might find no difficulty in ascertaining it by the custom of merchants and the usage of trade, and should adopt the meaning and practical definition thus given to them; presuming that the parties intended to use them in the sense in which they had been, and were used, received, and accepted, among merchants. But when the words have received a legal and settled interpretation, usage alone would not overrule it. So if the same words are found in a law, and they are used in a sense denoting the intention of the legislature to give them an application and meaning different from that which had been adopted by mercantile usage, the court must so consider the law.

Admitting that the words "sea-stores" in a mercantile instrument, comprehended all those accompaniments of a ship that are essential in its present occupation, (though not direct constituents of a ship,) without

which it cannot execute its mission, or perform its functions, it by no means follows that the words would receive the same construction in an act of Parliament. (1 Haggard, 122, 4 and 206, &c. Marshall on Ins. 226, 7; 1 and 127, 32.)

They may be used in a much more restricted sense, which will be taken not merely from a particular law in which they may be found, but from other laws on similar or analogous subjects, which may serve as a key to unlock the law in question. Such appears to be the laws of 20th July, 1790, for the government and regulation of seamen in the merchant service. (1 Story, 102.) In the 3d section it enumerates the several particulars in which a ship may be defective after the voyage is begun, and before she has left the land "in her crew, body, tackle, apparel, furniture, provisions or stores, it directs a report to be made "what additions of men, provisions, or stores, or what repairs or alterations in the body, tackle or apparel may be necessary;" and again uses the words "men," "provisions," "stores," "repairs or alterations." In the sixth section prescribing a remedy for seamen to recover their wages, it directs a summons to the master to show cause why process should not issue against "the ship, her tackle, furniture and apparel." The 8th section directs, that every ship bound on a foreign voyage, shall be provided with a "medicine chest." The 9th section prescribes the quantity of water, meat, and bread which shall be provided for each person on board over and besides such other "provisions, stores, and live stock as shall, by the master or passengers be put on board," and in like manner for "shorter or longer voyages."

Taking these provisions of the different parts of this law together, there is an obvious discrimination between those articles which form a part of the body, tackle, apparel or furniture of a ship, and those intended for the health and sustenance of the crew and passengers; between those necessary for the ship itself, and those who navigate or are transported in her; between articles which, from their nature, are consumed in their use, and those which become merely deteriorated, or so injured by use as to require their being repaired or replaced by new materials. The words of the ninth section are a definition of stores not applicable to any articles laid in for the use of the ship itself, which are not put on board by passengers. They are something over and besides medicine, water, beef, bread, or provisions, which are specified in the same clause, from the juxta position of the word "stores" between provisions and live stock; and from their being noticed as put on board by the master "or passengers," they must be considered as extended to other stores, intended for the same purpose and use as the enumerated articles, provisions and live stock. It would be a very strained, if not a forced construction, to interpret the words "stores," in this section, as referring to the articles on board necessary or usually taken on board to meet the exigencies of the voyage, for the repairs of the ship, or her security while performing it; this would be to read it, "such other provisions, cordage, duck, sail cloth, or live stock, as shall, by the master or passengers, be put on board," and thus exclude liquors, groceries, and other articles of comfort, luxury, or fancied necessity, as may have been provided for the officers, passengers, and crew of the ship. Such is obviously not the meaning of the law, or the just and legal interpretation of the word used in this section. They clearly exclude the articles in question; they as clearly include all those stores put on board for the purposes of consumption by the persons in the ship, and they must be taken to have been used in the same sense in the other sections of the same law; in the absence of any words or expressions denoting the intention of the legislature to give any different meaning or application to them.

In ascertaining the legislative meaning of the term "remaining sea stores," as used in the twenty-third sec-



tion of the revenue law, it is found to be in perfect accordance with the ninth section of the act of 1790, and plainly, if not necessarily, referring to it, by directing a manifest of the cargo to be made out, "together with the name and names of the passengers, distinguishing whether cabin or steerage passengers, or of both; their baggage and packages belonging to each, together with an account of the remaining sea-stores, if any." To the question, what are such sea-stores? a plain answer is furnished; such articles of provisions and stores, as were put on board by the captain or passengers, and not consumed on the voyage, but remaining on hand at its termination.

The words "vessel and cabin stores," in the form of the manifest, are not inserted for the purpose of introducing any distinct class or kind of sea-stores, but merely as the head under which those designated in the preceding part of the section should be entered on the manifest, as the "remaining sea-stores." These views of the law are very apparent in the thirtieth section, prescribing the form and requisites of the oath of the master to the manifest. "And I do further swear, that the several articles specified in the said manifest, as the sea-stores for the cabin and vessel, are truly such, and were bona fide put on board for the use of the officers, crew, and passengers thereof, and are intended to remain on board for the consumption of said officers and crew." If the ship has on board wines, spirits, or teas, the captain is by the same section required to report the quantity and kind on board, as sea-stores, to enter them in the manifest under that head, and to superadd his oath, as in the case of other sea-stores on board.

As it cannot be pretended that the duty of the master under the twenty-third section is broader than the oath required under the thirtieth, we must take them to mean, that the sea, vessel, and cabin stores remaining unconsumed, should be entered in the manifest and sworn to, and that they were such and such only as were provided for the consumption of those on board during the voyage, or as should remain on board after its termination, or on a new one, it is therefore clear, that these sections of the law do not embrace those stores which are intended for the use of the ship itself, distinct from those provided for the officers, crew and passengers, among which the articles in question cannot possibly be comprehended. It only remains to consider the forty-fifth section under which these articles are claimed by the United States as forfeited. This section is professedly introduced in order "to ascertain what articles ought to be exempt from duty as the sea-stores of a ship, for this purpose the master is directed to specify them in the manifest" as the sea-stores thereof, and in the oath declare "that they are truly such and are not intended for merchandise or sale, whereupon the said articles shall be free from duty." This clause evidently refers to the preceding sections of the law, the one requiring the manifest, the other the oath prescribed as to the articles therein specified as the stores of the ship, but it neither embraces any other articles by any enumeration, reference or the use of any words admitting of such a construction.

The proviso creating the forfeiture refers to the same subject matter. "And if any other or greater quantity of articles are found on board of such ship or vessel as sea-stores than are specified in such entry," or be landed without a permit "all such articles shall be forfeited and seized." Though named in the various parts of the law as the remaining sea-stores of a vessel, and cabin stores, the sea-stores of a ship or vessel, or sea-stores, their meaning and application is the same as to all these articles put on board by the captain or passengers for their use or the use of the officers and crew, and intended for consumption on board; they are duty free if entered and verified according to the twenty-third and thirtieth sections of the law. But if the articles or the full quantity of any given ones on board, are not entered and sworn to, or are landed without permit, they are

forfeited; this is consistent with the declared object of the forty-fifth section. It creates the forfeiture as a punishment for the omission of the duties previously prescribed. To give it any other construction would be to adjudge a forfeiture of any article for not doing an act in relation to it, which the law did not enjoin, and inflict the punishment when no offence had been committed. By no just construction can the penalties of the law be incurred when no prohibited act has been done, and no enjoined one omitted. The penal provisions of a law cannot be made broader than the directory, or prohibitory ones, and we cannot declare an article to be forfeited as sea-stores for not being entered and sworn to, unless it is one directed to be so done by some other part of the law. There is no provision in it which either expressly or by plain legal intendment brings the articles in question within them. All the words used can be fully satisfied without embracing them, and they were obviously intended only for such sea-stores as were taken on board for the use of the officers, crew, and passengers.

The District Attorney has placed much reliance on the seventh and eighth sections of the English Statute of the 1st and 2d George 4th, chapter 76, in which anchors, cables, and other ship-stores and materials and merchandize and marine stores are enumerated together as forming the same class of articles; but although that may be considered as the sense in which they are used and must be taken, in and by that particular act, it can have no bearing on an act passed more than twenty years before, even in England. It is no evidence that such was the legal meaning or acceptance of the words by the common law, but is rather to be considered as a mere statutory provision.

As no doubt can be entertained about the meaning of the act of congress on which this information is made, it has not been deemed necessary to examine the meaning and received acceptance of the terms sea or ship stores, in mercantile instruments, or according to commercial usage, they are undoubtedly more comprehensive than by the terms or meaning of the laws referred to. It is enough for the decision of this case that the articles in question are not brought within either the directory of the penal provisions of the collection law in regard to sea-stores. Whether they are to be considered as a part of the ship, its body, tackle, apparel or furniture, being intended for such use; or whether by their not having been so applied, they can be considered as a part of the cargo, and as such, subject to forfeiture or penalty under any other provisions of the law, it is unnecessary to inquire. Neither is the object for which they were purchased or retained on board, or their quantity, a material subject of inquiry; if purchased for sale they would be deemed goods, wares, and merchandize; if the quantity was excessive, the excess would, if sea-stores, be liable to duty. Having been labelled for being *found on board as sea-stores not entered in the manifest*, every point in the case is disposed of by considering them as not embraced within the twenty-third, thirtieth, or forty-fifth sections of the laws, as ship, vessel, cabin, or sea-stores.

The decree of the District Court awarding restitution to the claimants is therefore affirmed.

Gilpin, District Attorney, for the United States; Chauncey and James S. Smith for the claimants.

## HOUSE OF REFUGE.

The Fourth Annual Report of the House of Refuge of Philadelphia.

*To the Contributors to the House of Refuge, the Managers respectfully submit the following report:*

After more than three years of successful experiment, it will not be expected that arguments should be here repeated in favour of our establishment. It is sufficient-



ly long since it commenced its career, to afford evidence of the failure or success of the experiment; and it has been sufficiently before the public to prevent misapprehension, both as to the system itself, and the manner in which it has been conducted. The confidence and good will of the Legislature have again been manifested in a renewed grant of ten thousand dollars per annum for three years, payable one half out of the state treasury, and the other half from the county of Philadelphia. The continued care and patronage of the Legislature, have been farther exhibited in certain changes in the government of the institution. Instead of the managers deriving their appointment from the contributors only, three members of the board are now to be selected by the Court of Quarter Sessions of the county, and two by the Mayor of the city of Philadelphia.

As the object in view, in establishing and protecting this institution, is the improvement of destitute youth in morals and education; it is always interesting to learn whether the impressions which are made by its discipline are deep and lasting. Hence we inquire with solicitude, as to the conduct of those who have been bound to apprenticeships from the house. Reports from their employers continue to be as favorable as could be expected. We have practical proof, at least as satisfactory as the reports themselves, in the earnest desires continually expressed to take others into service. These desires are communicated both by persons who have already some of our pupils and ask for more of them, and by other persons whose observation has enabled them to judge of the character and conduct of the individuals bound from the House of Refuge, to their neighbors. The tone and feeling of the communications on this subject, may be understood from a few letters which are appended to this report, as specimens of many that have been received.

Our general plan has been pursued without material alterations. The schools have been considerably improved during the last year. While the discipline of every part of the house has continued unimpaired in vigour and efficiency, that of the male department has been sensibly benefited. The accommodations of the buildings have been increased, and these must vary from time to time, as experience points out defects and advantages. It is in our power to provide school instruction without much difficulty. Suitable teachers are fortunately to be found; and regular discipline, without unnecessary sternness or severity, will naturally lead to profitable attainments. But the whole time of our male pupils, cannot and ought not to be devoted to the mere acquisition of learning from books. A prominent part of our system consists of imparting the immediate means of earning a subsistence when the connexion with the House of Refuge shall cease. This is done by instruction in useful trades. Here, unhappily, our means are limited. Few persons are willing to trust their fabrics to workshops where the artisans are composed only of beginners. Few descriptions of manufactures seem to be susceptible of being conducted by inexperienced workmen. It necessarily happens that all our pupils are of that description; for as soon as they have passed the early stages of instruction, they are generally considered in a condition to exchange the labors of the house for employment elsewhere.

Some few additional manufactures have been recently introduced; those especially of cut nails and watch chains. The small boys are employed in winding bobbin. It would be very agreeable to receive from any quarter, suggestions which would assist us in extending and varying our trades. It is more than probable, that among the manufactures which the public prosperity at this time creates and animates, there may be some not yet thought of among us, which might be materially aided by our boys. The lowness of price at which work could be procured here, would render it an object with manufacturers to seek such parts of their labor here, as may be performed by young and inexperienced persons.

Wherever much skill is not required, we can unhesitatingly promise to perform whatever can be done by the force of numbers, activity, and zeal.

An important alteration has been made in the building, for the better accommodation of the sick. Fourteen dormitories of the north range, have been converted into an infirmary. The general health of the inhabitants has been good. Occasional cases of slight indisposition have appeared throughout the year. During the autumn, endemic dysentery prevailed; and two deaths occurred out of about thirty cases.

Each succeeding year confirms our conviction of the advantages to be derived from admission to the House of Refuge at an early age; and shows the difficulty of effecting reform among those who are farther advanced. The boys bound out under sixteen years old have, in almost every instance, done well. The same may be said of the females who have not passed that period. A marked difference is found in the reports received as to those of both sexes who have left us when beyond sixteen. We cannot too often repeat that the institution is designed for the young. In proportion to the tenderness of years is the hope of reformation. If manhood approaches while habits of vice remain, the chance of amendment becomes gradually less and less. If the public, and especially the officers of justice, would enable us to withdraw the unhappy children of iniquity, in *actual childhood*, from the haunts and the practices, and the temptations of crime, we could almost insure their restoration to the world with virtuous habits formed, and hearts strengthened to resist the allurements of vice. But if the love of wickedness has become a master passion, in consequence of a long course of habitual indulgence, the *second nature* thus formed, defies in most instances, the efforts of instruction and restraint, and leaves the victim of it to subside again, when opportunity recurs, into crime.

It will be agreeable to the contributors to know, that although confinement within the walls be indispensable as a part of the discipline of the place, yet it is unaccompanied by unnecessary restriction or any suffering. Recreation is provided as regularly and as freely, in due proportion, as work. Exercise is encouraged and promoted. Gymnastic plays are allowed and invited. No reasonable want or desire is left without moderate and regulated enjoyment.

To the different persons engaged in the immediate direction of the establishment—the superintendent, the matron, and the teachers—we publicly offer the renewed expressions of our entire satisfaction. To the medical gentlemen who have gratuitously devoted their time and talents with untiring fidelity and zeal to the institution, acknowledgments are richly due. The managers cannot close their report without expressing their sense of gratitude for the kind and invaluable services rendered to the establishment, by the ladies who form the committee which regulates the female department of the house.

All which is respectfully submitted.

JOHN SERGEANT, President.

Attested,

JAMES J. BARCLAY, Secretary, H. R.

April 24, 1832.

*The House of Refuge in account current with Thomas Earp, Treasurer.*

DR.

To cash paid sundry drafts of the executive committee, from 1st May, 1831, to 30th April, 1832,	\$16,831 81
Money loaned on interest to A. Benson & Co.	12,500 00
Paid interest on borrowed money,	1,482 64
“ commission on money collected,	32 91
“ repairs, taxes, and ground rent on property in the Northern Liberties,	36 86



Paid loans returned,	\$5,750 00
Paid insurance on House of Refuge,	295 00
To balance carried down,	165 24
	<hr/>
	\$37,094 46

CR.

By balance received from Charles Bird, late Treasurer,	\$ 29 69
By cash received for labor of boys, subscriptions and donations, received from county commissioners, for legislative appropriations for 1831 and 1832,	3,128 03
received on account of loans to A. Benson & Co.	439 78
for interest received,	20,000 00
for rent of property, N. L.	8,300 00
from estate of John Ayres, dec'd,	419 23
from Geo. Williams, for advance money,	115 50
for money borrowed from the Commercial Bank,	100 00
for sundries sold by superintendent,	100 00
received from Pennsylvania Fire Insurance Company, for deposit money refunded,	4,000 00
	282 23
	180 00
	<hr/>
	\$37,094 46

By balance brought down,	\$165 24
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ERRORS EXCEPTED.

THOMAS EARP, Treasurer.

Philadelphia, 1st May, 1832.

Agreeably to appointment, we have examined the account of Thomas Earp, Treasurer of the House of Refuge, and find it to be correct, and that there is a balance in his hands of one hundred and sixty-five dollars, twenty-four cents.

SAMUEL SELLERS, } Committee.  
JAMES CRESSON, }

Philadelphia, Fifth month 5, 1832.

The Ladies' Committee of the House of Refuge, respectfully report:

That during the last year, and while engaged in the performance of their duties, they have had occasion to observe an evident improvement in the character and demeanor of the girls. A number have left the house during the last year. The ladies believe that those who have been admitted within that time, have profited by the facilities afforded them for attaining a good English education, and have formed a higher standard of moral character, than they had ever before known. Many of these children had been exposed to the temptations of the lowest vices, without ever having any virtuous or religious principles instilled into their minds. The task of reforming them is difficult in proportion to the time which they have spent in sin. It is, however, a task to which we are urged by the highest considerations, and while we discover any improvement in the hearts and minds of these our fellow mortals, we will persevere in our labors. Under the management of our excellent matron, and her assistant, the female department of the house has fully sustained its character. Order, industry, and neatness prevail throughout. Several useful trades are taught, and every girl in her turn becomes acquainted with house-work. The committee have lately been called upon to deplore the removal of a most useful and valuable member, Mrs. E. Biddle, who filled the office of treasurer, and was deeply interested in the welfare of this institution. Her example will be long cherished by us, and the remembrance of her ma-

ny virtues be embalmed in our hearts. Mrs. M. Collins, one of the former members of the committee, has likewise been removed from this stage of action, to a more exalted state of being, where every one she had been instrumental in reseuing from vice, will add a jewel to her crown of glory.

REBECCA SIMMONS, Directress.

ELIZABETH BOYD, Secretary.

To the Board of Managers of the House of Refuge, the following statement, and also the Report of the Teacher, are respectfully submitted by the Superintendent.

The number of inmates remaining in the House of Refuge on the 1st of May, 1831.

Boys,	98
Girls,	40
	<hr/>
	138

Admitted from the first of May, 1831, to the 1st of May, 1832.

Boys,	86
Girls,	28
	<hr/>
	114

Eight of the boys and one girl had been indentured and were returned, and one boy who had been sent to the Almshouse, was returned.

Discharged from May 1st, 1831, to May 1st, 1832.

	Boys.	Girls.	Total.
By indenture,	42	9	51
As not proper subjects,	11	2	13
As of age,	4	13	17
Returned to their friends,	11	5	16
Sent to sea,*	2	0	2
Died,	2	0	2
	<hr/>	<hr/>	<hr/>
	72	29	101

Remaining on the 1st of May, 1832,

112	39	151
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From Northampton county, were received,	2
Bradford county,	1
Susquehanna county,	1
Philadelphia county,	110
	<hr/>
	114

The whole number indentured since the opening of the institution, amounts to 116 boys, and 26 girls.

	Boys.	Girls.	Total.
Favorable accounts have been received from	61	12	73
Served out their time satisfactorily,	5	5	10
Not heard from and supposed to be doing well,	17	2	19
Left their places and returned voluntarily to the house,	5	0	5
Returned by masters,	11	2	13
Ranaway,	15	5	20
Colored boys who were indentured without reference to reformation,	2	0	2
	<hr/>	<hr/>	<hr/>
	116	26	142

Notwithstanding the great exertions made by the indenturing committee, in inquiring into the characters of the numerous applicants for boys and girls, they sometimes inevitably make unfortunate selections; and we are induced to believe that some of those who leave their places, have good reason for so doing.

The number of applicants for boys and girls, that we have not been able to supply, is about 60.

\* Six have been sent to sea, four of whom have been regularly indentured.



## INDENTURED DURING THE YEAR.

To farmers, fourteen; house-carpenters, two; Store-keepers, two; hatter, one; bootmakers, five; auger and sickle maker, two; chairmaker, one; cotton spinners, two; boat-builder, one; cabinet-maker, one; oak cooper, one; miller, one; printer, one; glass-blower, one; tailor, one; confectioner, one; wheelwright, one; seamen, 4; house-wifery, (girls,) 9.

The boys have been employed in the manufacture of brass nails, cut nails, bandboxes, hat cases, watch chains, buttons, boots and shoes, and at bookbinding, winding bobbins, and picking wool.

The girls have been employed at tailoring, common sewing, knitting and house-wifery. The clothing for the male subjects, is chiefly made by the girls.

Of the one hundred and fourteen new subjects received during the year, twelve had been in habits of intemperance previous to their admission, and one or both the parents of forty-seven were intemperate. About one-third of the whole number have no parents living, and only about one-third have both parents living.

Sixty-three were born in Pennsylvania, of whom fifty-one were born in the city or county of Philadelphia, fifteen were born in other states, and fourteen in foreign countries.\*

All which is respectfully submitted.

EDWIN YOUNG,  
Superintendent.

May 1, 1832.

*Report of the Teacher.*

The teacher of the school in the House of Refuge, respectfully reports to the superintendent, that during the past year, one hundred and fourteen subjects have been received, and one hundred and one discharged. The number now in the Refuge, is one hundred and fifty-one. From those committed during the past year, forty could read intelligibly—write some, and knew a little of arithmetic; thirty could read in easy lessons, but had never used the pen, and knew nothing of figures; twenty-three knew their letters only; and the remaining twenty-one, were ignorant of the alphabet.

Those that have been discharged, (with the exception of ten or fifteen, who, for proper reasons, remained with us but a short time,) could read with correctness and ease, understood the simple rules of arithmetic, and many of them the more complicated rules, including practice, rule of three direct, simple and compound interest, &c. Seventy of the one hundred and one could write legibly, and twenty-five had given considerable attention to geography.

From the one hundred and fifty-one that are now in the house, ninety-four read with ease and correctness; two read distinctly, by spelling the more complex words, and the remainder, thirty, are now spelling polysyllables. Seventy-five are in the compound rules of arithmetic, and fifty-three in the simple rules; the remainder, twenty-three, are committing the tables; eighty-five write on paper, many of them with considerable freedom and neatness; the remainder, sixty-six, are forming and writing letters on slates. From the study of maps, and weekly lectures, the whole number are making some attainments in geography. Two are studying Latin grammar, and three have made some progress in algebra. About one hundred draw books from the library. The inmates give close attention to their studies; and appear pleased and profited with their instructions.

JOHN O. TAYLOR,  
Teacher.

May 1, 1832.

\* The birth places of the remaining twenty-two, have not been ascertained.

From the Bucks County Intelligencer.

## THE ANDALUSIA MURDER.

It becomes our duty to present to the readers of this paper, a narrative of the transaction which we have designated above, and which, from its extraordinary character, is not likely soon to pass into oblivion: for the peace of the community, and for the honor of human nature, may it not find its parallel in ages to come. We do not take up the pen to embody an effort of the imagination—to palm upon the reader the over-wrought details of a romance, too strange and frightful in its plot and its catastrophe to wear the garb of reality. If indeed it were so!—then might an honest and honorable fellow-citizen be at this moment in the calm and peaceful enjoyment of his home, his family, his friends: surrounded with the comforts which this life affords, and privileged to prepare and hope for the blessings of that which is to come. Then might he look for solace in the society of a wife, whose conjugal solicitude and kindness, and whose exemplary conduct would find a willing witness in every friend; and, as on the night when the destroyer came, he might now be in his rocking-chair, nursing his infant boy, and blest with the companionship of his beautiful children. Then might that ill-starred young man, reclaimed from the error of his ways, and ambitious henceforth to walk in the paths of virtue, have been restored to society, perhaps to friends, and made comfortable in the prospect of future usefulness. Then would not the poisoned remains of that unhappy father have been now mouldering in the grave! then, would not that *mother* have become an astonishment and a bye-word to the world, subject to the keen obloquy and un pitying taunt of an offended community! And last of all, *that man* would not now have been chained down to the prison floor as a dangerous animal, having before him the sure prospect of a painful and ignominious death!

But it is of no avail to imagine what *might have been*. The tragedy has been enacted—the plot which had thickened, and seemed impenetrable, has *almost* dissipated; the fatal blow has been given, and cannot be recalled. But we mistake. There is yet one concluding scene, before the curtain falls—a scene full of terror to the guilty prisoner—a scene to which this town must, unwillingly or not, be witness. Such is the doom which the righteous sentence of the law has pronounced, and we proceed at once to record the facts, which have led to such a result. We must premise, that the circumstances, however interesting, will not allow of more than a brief detail, consistently with the limits of a newspaper.

On the 17th March, 1830, a young foreigner, calling himself Celestino Almentero, was indicted, tried, and convicted in the Mayor's court in the city of Philadelphia, for stealing a breast-pin, a silver watch, and a musical box; and was sentenced to eighteen months imprisonment in the Penitentiary. He was there employed in winding bobbins for the weavers; and was (it is said,) rather exemplary in his behaviour. On the 9th April, 1831, he addressed a letter\* to Mr. Phipps, inspector of that prison, (by the aid of a fellow-prisoner, as he himself could not write English,) stating that he was from Cuba, that he had been in the expedition of General Barradas against Mexico, (of which he gave a detailed and interesting statement,) from whence he came to New-York, and proceeded to Philadelphia in search of a countryman of his. While there, a Captain of a vessel offered him a passage to Havana, as soon as he could take in a cargo; and in the meantime he was arrested for stealing “a common breast-pin, a very com-

\* This letter which is of some length, was obtained from a gentleman of Philadelphia, (not the Inspector,) by the reporter of Mrs. C.'s trial, with a view to annex it to the supplement containing Mina's trial, which is now published.



mon silver watch, and a musical box." They were (of course,) a gift, instead of a theft. He asked for the interposition of the inspectors with the Governor, that he might obtain a pardon, promising to leave the country immediately, even if he should have to work his passage. The representations in this letter, coupled with his youth and good behaviour, operated favorably for him, and on the 9th of May, he was pardoned and liberated. On the 16th of May, about dusk, he came to the door of Mr. Chapman, at Andalusia, a village in this county. It will be proper, before entering into further detail, to make known to the reader something of Mr. C. and his family.

Mr. William Chapman was born at Newport, Pagnel, England, in the year 1778. It is not known to us at what time he came to this country. He was here, however, in 1817. He had been fortunate enough to cure himself of an impediment of speech, by some secret process which he, in after life, turned to profitable account; having had, during the 14 years preceding his death, 411 pupils sent to him to be cured of stammering: In 1818, he married Miss Lucretia Winslow, a native of Massachusetts, who had been for several years, an assistant teacher in Mrs. Lebrun's Seminary, Philadelphia. Mr. and Mrs. Chapman, from that time kept a boarding school in that city, until about three years since, when they purchased and removed to a large stone house, (formerly a public house,) standing in the angle, formed by the Bristol turnpike and Hulmeville road, about eleven miles from Philadelphia. Here they continued their former pursuit; and on the 16th May, there were four boarders there. The rest of the family consisted of five children, (two sons and three daughters,) and a servant woman, considerably advanced in years.

As the stranger approached the house, the dog barked at him, until called away by the servant, who was milking. He knocked at the door, and asked for victuals and lodging. He was brought into the sitting room, where Mr. C. was sitting in the rocking chair, nursing "little John," and where the other members of the family also were. Mr. C. at first was opposed to the stranger's staying all night, but upon Mrs. C.'s interposing, he consented. Forlorn as were his appearance and actual condition, the stranger began by informing them that his father was Governor of California, a Mexican state; that he had travelled to France in company with a Doctor; while there, the Dr. died suddenly in church; the effects of both were seized and carried away; in his destitution, a gentleman gave him \$100, to make his way home; he found no ship about to sail for his own country, but there was one for Boston; he set sail, and arrived at that port. From thence he proceeded to New-York, in quest of a friend; finding no friend, he came on to Philadelphia; from which place he had walked that day on his way to Count Bonaparte's, where he expected his friend was. He gave his name as Lino Amalio Espos y Mina. He lodged that night in a neat room in the third story. The next day he was permitted to remain and rest himself. On the day following, at the request, or with the approbation of Mr. C., Mrs. C. took Mina (in company with a boarder,) to Count Bonaparte's, at Bordentown, to see the friend, from whom he expected to obtain money. The visit was unsuccessful, and they returned together. The next day he proposed going with her to the Mexican Consul's, at Philadelphia. They accordingly went, taking with them one of the children. They introduced themselves to Mr. De Cuesta at his office, and Mina gave a long detail of his parentage and misfortunes; requesting the Consul to forward to the American Consul at Vera Cruz, certain letters written by Mr. and Mrs. C. to his parents in Mexico, which he had brought with him. (Copies of these letters were produced at the trial.) In the meantime Mrs. C. went away, leaving Mina there, and promising to return for him soon. In her absence, dinner was announced to be ready, and the

Consul, out of a courtesy which is common to the people of every nation, invited him to take a seat at his board; which invitation (rather unexpectedly) Mina accepted. Mrs. C. returned while they were at dinner, and one of the Consul's sisters sat with her in the parlor, until Mina had dined. This lady, for want of other topics of conversation, spoke of the young stranger, saying it was a pity he had been so unfortunate, as he represented himself to be rich in his own country. This expression was perverted, in the already mis-led imagination of Mrs. C., to an additional evidence of the truth of his story, for she afterwards told a lady that the Consul's sister represented Mina to be a young gentleman of very large fortune in his own country; and Mrs. C. added, "I can declare upon holy writ, that if she had not told me that this young gentleman was a gentleman of large fortune, I should not have been deceived; but she said so, and I believed it." That she did *not* say so, however, we have the more sure testimony of the lady herself, through her brother the Consul.

They left the house after dinner; Mrs. C. being now thoroughly *deluded*, if it be right to use an expression which carries with it so much of palliation for her bad conduct. From this time she became estranged from her husband, and seemed devoted to Mina. Criminal familiarities were frequent and notorious; and there is no reason to disbelieve that an adulterous intercourse existed. We shall not stop to detail the proofs of their depraved conduct, as given in evidence by several witnesses. Mina resolved to remain three years, to learn the English language, for which he promised to pay \$2000 a year. Every ridiculous story of his great wealth, his gold and silver mines, and his high family connexions, was greedily swallowed by Mrs. Chapman. Their visits to town together, became frequent. On one occasion, they went on Sunday and did not return until the *third* day following. During their absence Mr. Chapman became uneasy, and was much disturbed. A book-seller, who happened to be sojourning in the house was made the confidant of his griefs. "I believe," said he, "this Mina is an impostor. I would rather be poor than have my peace so disturbed. In all probability their object is to tarry until the family has retired, and I would like to know whether they would be guilty of improper conduct when they return; for if they do," (and he swore a great oath,) "I'll take his life." They did not, however, return that night.

We are compelled to skip over a number of incidents, many of them tending to show the ill feeling of Mrs. C. towards her husband, and approach the catastrophe of the story. On the 9th or 16th of June, a written order from Mrs. C. was sent to Mr. Watkinson, a merchant tailor in Philadelphia, for a black suit for Mina, he having recently heard (that is, pretended to have heard,) of his sister's death. On the same day that the suit is charged in Mr. W.'s book, June 16th, Mina purchased at Mr. Durand's drug store, (opposite Mr. Watkinson's store, Chesnut street,) a small quantity of arsenic, under the pretence of preparing a collection of birds. In the afternoon of that day, he returned to the store, and prevailed upon Mr. Durand's assistant, Mr. Guillou, who understands the Spanish and English languages, to write a letter for him to Mr. Chapman, following his dictation. The letter purported to be from Mr. Cuesta, the Consul, abounded in expressions of gratitude for the kindness shown to his friend Lino Amalio Espos y Mina, and expressed an intention to make a visit to Mr. Chapman's house in a few days. This letter which was handsomely written, Mina took to Andalusia, where it passed for genuine.

On the very next day, (June 17th,) Mr. Chapman was taken sick. This was on Friday. On Sunday, Mina was sent for Dr. Phillips, of Bristol, who made a visit to the house on the same day. He found Mr. C. labouring under what he supposed to be a mild attack of the cholera morbus; so light, that he merely prescribed some mild course of treatment, and thought



there would be no necessity for calling again. *On that day*, a note, signed by Lucretia Chapman, was sent to All Saints Church, requesting the prayers of the congregation for her husband, as if in extreme danger. On the same day, Mr. Vandegrift was called in by Mrs. Chapman, and told by Mr. C. that in case of his death, it was his wish that the family of his brother, John W. Chapman, should not be invited to the funeral, in consequence of a family feud between them; adding, that he gave Mr. Vandegrift information of this, in order that his wife might not be censured for it. Dr. Phillips, during his visit on that day, had directed that some chicken broth should be made for the invalid. On the following day, about dinner-time, Mrs. C. made some chicken soup, and took it into the parlor, where Mina was, saying to the servant, that she would put seasoning in it. The soup was taken from the parlor by the eldest daughter. The evidence here conflicts as to the quantity of it drunk by Mr. Chapman. His daughter however, testified that she drank some of it, and it was sent down stairs, and put on the kitchen table, where it remained several hours. The whole train of evidence, (excepting the remarkable confession of Mina to Mr. Blayney,) seems to discountenance the supposition that this soup could have been the medium for administering the poison. Soon after taking this soup he got worse, and so continued. On the same morning Mr. Fanning (the travelling book-seller,) came to the house. He found Mr. C. very ill, vomiting violently, and complaining of pain in the chest and head. In the evening he urged Mrs. Chapman to send for a physician, repeatedly. She declined doing so. The next day Fanning, passing through Bristol, informed Dr. Phillips of the extreme illness of Mr. Chapman; but as the Dr. had no intimation of it from the family, he deferred going until the following day, (Wednesday.) On Tuesday, Dr. Knight, a younger physician, who resides in the immediate vicinity of Andalusia, was called in. On Wednesday, Dr. Phillips came, and "was very much astonished" to find Mr. Chapman in a dying condition. He and Dr. Knight stayed with him that night. His decease took place about 2 or 3 o'clock on Thursday morning. On Tuesday, a large number of ducks, belonging to a neighbor, came out of Mr. Chapman's yard, where the refuse victuals are usually thrown, and died while crossing the road. Twelve days after Mr. Chapman's decease, Mina and Mrs. Chapman were married in the city of New-York. They parted on the succeeding day; Mina returned to Andalusia, and Mrs. C. proceeded to Syracuse, for the purpose of bringing her sister and her family to occupy the property at Andalusia; expecting to leave the country very soon, for Mexico, in company with her new husband. From Albany and Syracuse, she wrote two letters to Mina, which indicate the existence of a passion, probably too impure to be dignified with the name of *love*, but so absorbing and ungovernable, and so fatal in its effects, that we dare not call it merely *ridiculous*. Under other circumstances, it would be difficult to convince the uninformed reader, that these letters, and another which followed, were addressed by a moderately large female, herself aged nearly 44 years (to all appearance), to a small, ill-favoured, black looking Spaniard, about 22 years old!

The family at Syracuse was broken up, and imported to Andalusia, to take possession of the premises. In the meanwhile, two persons, one of them not particularly genteel in his appearance, called upon Don Lino at his residence, and took tea. As a memento of regard, they received a trunk full of books, which they carried off. Mrs. C. and suite arrived in time to get a glimpse of these persons, who were represented to be diplomatic characters; sent no doubt on an extraordinary mission to Andalusia. Sundry silver spoons were also missing, for which Mina accounted to his wife, to her entire satisfaction.

Some days after, Mina found it necessary to travel to

Baltimore, to see a friend, and to obtain money. On his departure he took with him the horse and dearborn, various silver articles about the house, all the money he could wheedle out of Mrs. Chapman, and her sister Mrs. Green, a musical box, &c. Mrs. C.'s daughter Lucretia, was to accompany him to Baltimore. He accordingly took her as far as Philadelphia, from which place he sent her back, accompanied with a letter to Mrs. Chapman, in which he stated that he had just received the afflicting intelligence of his friend's death; that he was obliged to send Lucretia home again; and that he had left the horse and dearborn with a friend in Twelfth street, where they would be kept without expense until his return from Baltimore. The more authentic account of this horse and carriage turned out to be, that he had sold them to Mr. Wood, in Bank street, for forty dollars, representing to Mr. Wood that they had been left to him by a nobleman, and he wished to get rid of them. He proceeded to Baltimore, where he wrote an endearing epistle to his wife, and received one from her full of sympathy for the loss of his friend, and unheard of misery on account of his absence. Instead of returning from Baltimore, he was obliged to proceed to Washington, to obtain the friendly assistance of His Excellency the President of the United States. From that city he wrote (by the aid of an imprudent young gentleman,) four letters, so extravagant in their diction, that we must find space for one of them as a specimen.

*"City of Washington, 26th of July, 1831.*

(Translation from the words of Senor Lino Amalio Espos y Mina.)

MY DEAR LUCRETIA,

It is impossible to resist the burning volcano which is enkindled in my breast, which increases with my miserable absence from you. The profound grief of my soul finds a vent in the silence of the night, in the most heart-rending cries, at each moment invoking the cherished name of Lucretia. Oh! cruel absence, which thus rends asunder two hearts united in the sacred ties of conjugal and fraternal affection. Oh! my Lucretia, I knew not half the love with which my heart yearns toward you, until this absence. I have now been satisfied by cruel experience that it is impossible to live disunited with you. My imagination continually finds itself fixed upon you. There is not a moment of rest for me. And more, when I remember the devoted affection of your heart I scarcely survive.

I have indeed now, double cause of love for you, since you have neither father nor mother, nor sister nor brother, nor husband except me, in this land of strangers. As often as I remember your caresses my heart is afflicted. The sun has darkened my eyes. My blood is frozen with the most withering ice, and my eyes pour forth at every moment the most soul-shed tears. Oh, my dear Lucretia! my loved companion, how shall I possibly exist, if I did not speedily enfold you in my arms. Trust me I shall soon be reunited to you, if heaven should permit me to recover from some little indisposition which I have at present from the waters I drank here. The lady of the house has been kind to me in alleviating my illness. At present I cannot continue my journey, but as soon as I can possibly move off, I shall hasten to throw myself at the feet of my beloved consort.

Oh! my angel, I can never shut out from my heart our dear children—the thoughts of them continually causes me to be dissolved in tears. Kiss them and embrace them over and over for me. As to our affectionate sister Mrs. Green, give the kindest proofs of my affection in your power, and do you confide in the inviolable heart of your devoted friend, brother, husband, and companion [ad libitum—the translator could not here follow the epithets of the Senor.]

LINO AMALIO ESPOSIMINA.

P. S. My dear Lucretia, I recollected after I had



closed my other letter, (as also the translation of—[several words are here erased]) that I had neglected to subscribe my name.

Endorsed, Mrs. Lucretia Chapman, Post Office, Bucks county, Pa."

To these letters, Mrs. Chapman wrote an answer, so important in its details, that we will here give it insertion.

"Andalusia, July 31, (Sunday afternoon,) 1831.

"LINO,—Your letters of the 19th and 28th inst. are both now before me, both of which together with yours of the 18th, have been carefully perused and re-perused by me this day. Your letter of the 19th, written at Baltimore, on Tuesday evening, was not received by me until Friday following; when my anxiety was so great for you, *fearing you were sick*, that I arose, and though I was without a cent of money in my house, (in consequence of having bestowed *my all on you*,) at 3 o'clock in the morning, and took a seat in the mail coach, with an intention of following you to Baltimore, if I did not find a letter from you in the city; but what was my astonishment, Lino, when I called at the house of your Consul and was told that you had not been there for a long time, that they heard nothing of your friend's death, and that your Consul with his sisters had gone to the falls of Niagara, instead of being at New Orleans, as you had informed me your Consul and Minister both were; I then made inquiry at the United States' Hotel, and at Mr. Le Brun's, and then I called on Mr. Watkinson, who told me that your Consul had informed him that he believed you to be an *Impostor!!* I was thunderstruck at this information; and told Mr. Watkinson that I could not believe you were capable of so much *ingratitude*, as not to return to *reward me*, who had ever been a sincere *friend to you*; the truth of this assertion I believe you cannot doubt; when you reflect for a moment that when you were destitute, I took pity on you, and gave you a home, fed you, clothed you, and nursed you when you were sick, &c. &c. If I have been *sincere*, why has Lino been induced to practice so much *deception* on Lucretia? Why not keep your appointment and return to me the same week you left, on Saturday at 4 o'clock, as you promised? But too well you knew your own guilt!! You never intended to return to me: I thank you, Lino, and I thank my God, for having returned my dear innocent child Lucretia to me in safety; for as you have been permitted to practice so extensive a robbery on me, I feel thankful that my children are spared to me; and perhaps may yet prove a blessing to me; though you, Lino, are the cause of my enduring much misery at this present time; yes, my heart is pained with the crimes you have committed; think, Lino, (and if your heart is not of adamant,) I believe if you reflect for a moment on the cruelties you have practised on me and on my dear daughter Mary, your heart will bleed with mine! I have now *no husband* to aid me in supplying the wants of my dear innocents. Ah! Lino! do not extend your cruelties so far as to deprive me of every thing which might be sold to aid in supplying my dear children with food and clothing! Tell me in your next letter where I may find my horse and dearborn, if you really have not sold them, but "have left them with a friend till you return," as you informed me in your first letter; but if you have sold my horse and carriage, gold and silver watches, breast-pins, finger-rings, medals, musical box, silver bells, with whistle, and cake basket, &c. and do not intend to send me any money as you promised to do, to relieve my distress, or need of money, I say, if you do not intend I shall ever possess any of the property you have deprived me of, than [then] I must tell you that I wish you would never write to me again, and do not request others with whom you correspond, to direct their letters to you here, and to my care, as you will find I have forwarded one to you by enclosing it in this of mine. But as you have forsaken me, do not torment

me by sending any more of your letters, filled as they are with *fair words and pretended affection*. By this time I suppose my rings decorate the fingers of one, whom perhaps you do love sincerely; and the worst wish that Lucretia sends after you, is, that you may be happy. You say in your last letter that "as often as you remember me, you bathe yourself in floods of tears" and that you are "dying of grief," &c. I cannot think you indulge in grief if you are in possession of the \$45,000 which you wrote me you expected to receive; and then you visit the President frequently, and have the honor of walking with a Duke of England; all this must surely make you happy, without your ever sending even a wish or a thought after me!! And then I observe you speak of a female friend —, who, perhaps, now receives your fondest caresses, and perhaps renders you perfectly happy. But no, Lino, when I pause for a moment, I am constrained to acknowledge that I do not believe that God will permit either *you or me* to be happy this side of the grave. I now bid you a long farewell.

LUCRETIA."

This letter Mina did not receive, having decamped from Washington, leaving various unsettled accounts. He made his appearance again at Andalusia, where he was upbraided by Mrs. Chapman for his villainies. He explained his conduct, but not to the satisfaction of Mrs. Green and Mrs. Chapman. He then said, they had better be separated. Mrs. C. replied, the sooner the better. Said he, "Remember, Mrs. Chapman, before I go, I must tell you something in private." They went into a room by themselves, and soon after she returned, saying, "Sister, Lino is not an impostor, he is a clever fellow."

Mina's next journey was to the neighborhood of Boston. At this time the first dawn of suspicion began to open upon the sight of the principal police officers of Philadelphia. The letter last published, was taken from the Washington Post Office, and an investigation was soon set on foot. On the 21st day of September the body of Mr. Chapman was taken up by Drs. Hopkinson and Coates, and an examination took place, in the presence of the Prosecuting Attorney for this County, and the Coroner's inquest. The stomach was taken out and subjected to a chemical analysis by Dr. Mitchell and Mr. Clemson. The result of the examination and analysis were such as to make it physically certain that Mr. Chapman died from arsenic. Mina was arrested in Boston, and Mrs. Chapman near Lake Erie. They have been tried separately, but have fared very differently at the tribunal of justice. At the trial of Mina, which happened last, certain confessions of his were given in evidence, implicating both parties; in addition to which, new chemical proofs were adduced, sufficient to place the fact of poisoning beyond a doubt. The consequence has been, the conviction of *Mina*, and the acquittal of *Mrs. Chapman*.

#### GIRARD BANK.

Extract from the Presentment of the Grand Jury to the Mayor's court of the city of Philadelphia.

"They now refer to the discreditable scenes which have attended the distribution of the stocks of the different banking companies recently authorized by the Legislature of this Commonwealth, to wit, the Girard bank and the Western bank of Philadelphia.

"They have given the subject the most attentive consideration, not only because a great number of our very respectable fellow-citizens were interested in the successful establishment of both institutions, but, because many in the capacity of commissioners had come in a measure under the ban of public censure.

"The Grand Jury have not been able to perceive that the blame of the rioters and improper proceedings complained of by the citizens, attaches to the mass of the commissioners: on the contrary, they trace most of the illegal procedure to the conduct of a very small



minority, and are constrained to observe on this point, that if a few unworthy men can thus throw into disrepute the conduct of a large public body, and provoke scenes of riot and blood-shed, in a peaceful city, it furnishes an additional reason why no appointment should be made to office or public agency, on *any other* consideration, than integrity of character and unquestionable fitness for its functions.

"Connected with this view of the subject, the Grand Jury entertain the opinion that some of these commissioners acted in culpable ignorance of the provisions of that portion of the law for the regulation of their proceedings, which provides, "that they shall permit and suffer all persons, citizens of this or any other of the United States, who shall offer to subscribe in said books, which shall be kept open for six hours in every juridical day." To ignorance or the wanton neglect of these provisions, must be attributed their very improper conduct in calling or reaching to their friends, over the heads of others, disregarding the application of those, who, by their exertions, had attained a position, and established a claim to the earliest subscription, and the directing of their friends to exhibit badges or distinctive marks by which they might be enabled to extend a preference to them over others equally or better entitled to their immediate attention.

"The Grand Jury cannot pass over this statement of facts, without observing that, as regards moral or official culpability, there is little difference between ignorance of duty and wanton violation of it, when known and understood. It was as much the duty and business of the commissioners to know the law, as it was, to act in strict accordance with its injunctions. If ignorance of legal provisions cannot excuse offenders, who merely live under the laws, surely it can still less extenuate the conduct of those who undertake to execute them.

"The Grand Jury with a full sense of their powers and the circumstances under which they are called on to act, and aware of what is due to private character and the claims of an orderly and well regulated community, entered upon their duties, with a determination, as well to sustain public claims, as to prevent false reports from invading the sanctity of individual reputation.

"After a patient hearing of a great number of witnesses, some of whom the grand jury perceived were under considerable excitement, and others, who dispassionately laid their testimony before the inquest: after mature deliberation, and anxiously comparing and examining all the facts and circumstances of this investigation, the grand jury were under the unpleasant necessity of finding bills of indictment for bribery against five commissioners, acting under the law authorizing the sale and distribution of the Girard Bank stock,—to present two of the said body of commissioners, for misdemeanor in office, and a bill of indictment against a citizen, not a commissioner, for violating the provisions of the law in obtaining, by his agents, more than five shares of the Girard Bank stock, on the first day of its sale.

"The grand jury have to regret exceedingly to state, that, by the exertion of all their powers, they were unable to discover the names of those persons, who were abettors and actors in the riotous scenes of fighting and tumult, which attended the distribution of the stocks of the Girard Bank, and the Western Bank of Philadelphia, to which most of the witnesses readily and cheerfully testified, but knew not the names of the actors nor the persons who employed them.

"There appeared by the testimony of nearly all the witnesses, an evident partiality and preference to friends, in the distribution of the stocks of both banks, but particularly of the Girard Bank, contributing, in a very great degree, to the riotous proceedings complained of.

"The grand jury would do great injustice to their sense of duty, were they to omit the expression of their

opinion, as to the mode of selling stock authorized by the charters of the new banks, and their regret that the legislature should have been induced by any misrepresentation of the wishes of the community, or any mistaken idea of expediency, to give an indirect sanction to scenes of outrage and violence. To the mode of sale, and to the excessive number of commissioners, the grand jury mainly attribute all the improper conduct that now is the subject of just reprehension.

"That in so large a number, so unadvisedly and hastily appointed, there should be individuals with a standard of principles too low to resist temptation, and whose qualifications in other respects should be manifestly inadequate, is a consequence that might reasonably be expected."

## WASHINGTON MONUMENT.

### *Proceedings of the town meeting, respecting the Washington Monument.*

At a meeting of the city and county of Philadelphia, convened according to public notice, on the 25th of June, 1832, at the Hall of Independence, to devise means for the construction of a Washington Monument, Benjamin W. Richards, Esq. was called to the chair, and George W. Smith, was appointed secretary.

Charles J. Ingersoll, Esq. submitted the following resolutions, (with a brief preparatory address,) which were unanimously adopted.

Resolved, That the most elevated and ennobling sentiments—affection for the land of our homes, and for its free and happy institutions—veneration for its illustrious dead—gratitude to its public benefactors—that honest pride which seeks to record and proclaim its obligations where it cannot repay them—a spirit of honorable emulation with the citizens of other states—and a proper regard for the opinion of posterity—unitedly call on the people of Pennsylvania at this time, to erect a monument to Washington.

Resolved, That a general committee of twenty-four citizens be now appointed; who, together with the surviving members of a committee appointed at a public meeting of the citizens in 1824, shall be fully authorized to collect and receive subscriptions from individuals and associations throughout the state, to be applied to the construction of a Washington Monument, in the city of Philadelphia; to confer with the society of the Cincinnati, and with any other citizens who have heretofore made arrangements with a similar object, so as to produce a combination of effects, and to cause an appropriate monument to be constructed with the least possible delay: and that they be further authorized to appoint sub-committees of citizens to aid them in any part of their duties, to supply all vacancies, and to increase their own number, by the appointment of such other members in different parts of the state, as they shall judge expedient.

Resolved, That as the memory and the fame of Washington, are the common property of all American people, and as each citizen, however humble, enjoys, with the rest the fruit of his inestimable services, so each should be willing to contribute his offering, however small, to the tribute of public gratitude and honor.

Resolved, That our fellow citizens in other parts of the state, be respectfully solicited to unite with the citizens of Philadelphia, in the construction of a Pennsylvania Monument to Washington." Colonel Childs made a few brief, but interesting remarks respecting the collection of funds, and congratulated the meeting on the prevalence of zeal, which has recently been manifested among all classes of our citizens; he also submitted a number of proofs corroborating his opinions. Mr. John Struthers also submitted a paper containing a large subscription list, which was the result of three hours labor. The gratifying fact was also stated at the meeting, that no individual has recently refused to sub-



scribe, when an opportunity was offered to him. On motion of Col. Childs, the chairman nominated the following committee, viz.

*City*—Benjamin W. Richards, Nicholas Biddle, John Steele, Henry Toland, John K. Kane, John P. Wetherell, Charles Graff, Cephas G. Childs, Thomas Kittera, William Strickland, William E. Lehman, Samuel Fox, Geo. W. Smith.

*Northern Liberties*—Isaac W. Norris, Robert A. Parrish, John Nagle.

*Southwark*—Charles Penrose, Thomas Sparks, Thomas D. Grover.

*Penn township*—Adam Woelpper, William L. Fredericks.

*Kensington*—John C. Browne, Arundinus Tiers.

*Moyamensing*—James Ronaldson.

On motion, the chairman was elected a member of the said committee. Adjourned.

Signed,

{B. W. RICHARDS, Chairman.

Attest, GEO. W. SMITH, Sec'y.

#### AUCTION DUTIES.

The following is the amount of duties paid by the different Auctioneers of the city, during the last quarter:

Jennings, Thomas, Gill & Co.	\$10,829 07
R. F. Allen & Co.	10,639 42
Lippincott, Richards & Co.	6,448 92
Graham & Mandeville,	6,213 22
M. Thomas,	1,737 93
T. W. L. Freeman,	258 04
C. J. Wolbert,	175 37
George Riter,	120 47

\$36,423 04

WELLSBOROUGH, (Penn.) June 2, 1832.

#### NATURAL CURIOSITY.

We examined two pear trees, growing in the garden of Judge Morris, in this borough, which to us present a great natural curiosity; the facts in relation to which we should have been led to doubt, had we not been an eye witness to them. The trees in question are well grown, have always been thrifty, but with one or two slight exceptions produced no fruit. In the summer of 1830, (two years since,) the proprietor judging these trees worthless and only cumbering the ground, determined to destroy them; and for this purpose caused them to be girdled, which was done by cutting a strip each way, entirely round the tree to the depth of about two inches, thus entirely interrupting the circulation of the juices between the bark and the wood. The trees, however, to the astonishment of all, did not die; but on the contrary, in the spring following put forth full of blossoms which were succeeded by a large and well grown crop of fruit! The same trees are again, at this time, well set, and bid fair to produce another abundant crop. The only perceptible indications of decay in these trees, if such they may be considered, are, that they appear rather deficient in foliage, the leaves not appearing quite as large or numerous as upon the adjoining trees, which had not been girdled. The trees which were left unmolested continue barren while the means used to destroy those singled out for destruction have proved effectual in rendering them thus far unusually productive. Can horticulturalists explain this matter to us?

#### LARGE PEAR TREE.

Happening in Chanceford township, York county, a few days since, we were induced by the solicitations of one of our company, to visit a pear tree on the farm of

Mr. Jacob Kipe, which is very remarkable for its size. It was brought from Germany about eighty years ago; it measures ten feet round the trunk; its height is about fifty feet; from the ground to the first limb it is ten feet; and its branches cover a circumference of about 150 feet. The tree bears a large, fine fruit, which ripens in October; and we were told that upwards of 100 bushels had been gathered from it in a single season. The main branches, of which there are five or six, are as large as a good sized pear tree. If any of our neighbors can tell of one that will beat this, we would like to hear of it.—*Columbia Spy*.

#### NEW BUILDINGS.

The frame buildings at the north-west corner of Chesnut and Second streets, (the Barbadoes lot,) are being torn down, and their place is to be supplied by handsome four story brick buildings, with granite fronts. The proprietors of this property, the Messrs. Jones, inform us, that the timber employed in the erection of the frame buildings which occupy that valuable spot of ground, was cut by their grand-father from trees that grew at the corner of Fourth and Chesnut streets!—*Inquirer*.

#### SANITARY MEASURES.

The following named gentlemen have been appointed consultation physicians to the Sanitary committee: Dr. Otto, chairman; Dr. Jackson, secretary; Drs. Parrish, Harlan, Harris, Horner, Lukens, Mitchell, and Taylor.

#### THE REGISTER.

JUNE 30, 1832.

The present number closes the ninth volume of the Register, or four and a half years of our editorial labors. The Index will be delivered with the next or following number. Our agent will wait upon subscribers in the city, for the amount now due. Our friends in the country, are desired to remit us by mail. New subscriptions to the Register are respectfully solicited. Those of our present subscribers, who are desirous to see the work continued, have it probably in their power to aid us very much in this way. If each would obtain an additional subscriber among his acquaintance, it would serve us essentially.

Our readers are desired to correct an error which occurred in our last number; the letter in relation to Samuel Brady, was dated 1769 instead of 1779.

The extraordinary circumstances attending the whole progress of the Andalusia murder, and the intense interest excited by it, in every part of the United States, have induced us to depart from our general practice, by recording the account of that affair, as we find it succinctly related in the Bucks County Intelligencer.

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